

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 825 OF 2014
IN
WRIT PETITION NO. 8892 OF 2007**

Baban Kondiba Bodhe & Ors.

] Applicants

Versus

Namdeo Bandu Gurav & Ors.

] Respondents

Mr. Uday P. Warunjikar, Advocate for the Applicants.
Smt. Sujaja S. Mogre, Advocate for Respondent Nos.1 and 2.
Mr. S. H. Kankal, AGP for State.

**CORAM : K.K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : 17th JANUARY, 2020.

P.C.

. Heard learned counsel for the parties.

2. By this Civil Application, the applicant is seeking restoration of Writ Petition No.8892/2007 which stands dismissed in view of the conditional order dated 22/01/2009 passed by this Court for non removal of office objections.

3. Learned Counsel Mr. Uday P. Warunjikar for applicants submits that inadvertently it remain on their part to remove all office objections

within time as per conditional order dated 22/01/2009.

4. Learned counsel for the applicant submits that the applicant undertakes to remove all office objections within four weeks time from today. Statement is accepted.

5. Learned counsel Smt. Sujaja S. Mogre appearing on behalf of Respondent Nos.1 and 2 vehemently opposed the present civil application. She submits that applicant has not shown sufficient cause for condonation of inordinate delay of four years in making this application. Hence, there is no substance in the present application and same is required to be dismissed with costs.

6. Considering submissions made by learned counsel for the applicant, averments made in civil application and as law laid down by the Hon'ble Apex Court in the matter of *N.Balkrishnan Vs. M. Krishnamurthy (1998) 7 SCC 123* holding that the object of fixing the time limit is not meant to destroy the rights, the law of limitation fixes a lifespan for such legal remedy for the general welfare, hence, we satisfy that applicant has made out a case for condonation of delay and allowing the present civil application. Hence, the following order.

ORDER

- (a) Delay in filing application is condoned.
- (b) Order dated 22/01/2009 passed by this Court in the present

Writ Petition is recalled.

- (c) Writ Petition No.8892 of 2007 is restored on file for hearing.
- (d) Applicant to remove all office objections on or before 29/02/2020 failing which Civil Application shall stand dismissed without referring back to the Court.
- (e) No order as to costs.
- (f) Civil Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)