

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 34 OF 2020****IN****WRIT PETITION (L) NO. 5458 OF 2017****Pimpri Chinchwad Truck Terminal Association and another ... Applicants****In the matter between :****Pimpri Chinchwad Truck Terminal Association and another ... Petitioners****Versus****The State of Maharashtra and others ... Respondents****.....****Ms. T.J. Kapre instructed by Mr. J.S. Kapre for the Applicants/Petitioners.****Mrs. M.P. Thakur, AGP for the Respondents-State.****.....****CORAM : S.J. KATHAWALLA AND****B.P. COLABAWALLA, JJ.****DATED : JANUARY 17, 2020.****P.C. :-**

1. The above Civil Application is taken out by the Applicants/Petitioners for condoning the delay of 89 days in taking out the above Civil Application and setting aside the conditional order dated 3rd October, 2018 passed in Writ Petition (Stamp) No. 5458 of 2017.

2. Earlier a conditional order was passed by the Registrar (Judicial-I) dated 21st November, 2017. However, the same was not complied with. In view thereof, the above Writ Petition was dismissed. The same was restored by an order of this Court

dated 3rd October, 2018 and the Petitioners were directed to remove the office objections within a period of two weeks from the date of the order. Again the Petitioners failed and neglected to comply with the order dated 3rd October, 2018 and the reason now given is that they had lost the file while shifting. If the file was available on 3rd October, 2018 when the order of restoration was passed, it is difficult to accept that the same was thereafter lost within a period of two weeks, because of which the Petitioners failed to carry out the amendments.

3. After delay of 89 days, once again, a Civil Application is taken out seeking restoration of the above Writ Petition. In view of the above facts, the Civil Application deserves to be dismissed. However, an order of dismissal may cause prejudice to the cause of the Petitioners, who are at the mercy of their Advocates qua filing of the matter and removal of office objections. Only for that reason whilst deprecating the conduct of the Advocates for the Petitioners, we allow the above Civil Application by condoning the delay of 89 days and restoring the Writ Petition (Stamp) No. 5458 of 2017, subject to the Advocate for the Petitioners removing the office objections within a period of one week from today. The above Civil Application is accordingly disposed off.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)