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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.97 OF 2017
IN
WRIT PETITION (L) NO.397 OF 2015**

Bhaskar Shnkappa Shetty ..Petitioner.
V/s.
The Deputy Commissioner of Police & Ors. ..Respondents.
Mr.Shivaji Yadav i/b. Kurup Shivaji & Co. for the petitioner.
Ms.P.J.Kantharia, GP for the respondent-State.

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

DATE : JANUARY 21, 2020

P.C. :-

Heard learned counsel for the parties.

2. By this Notice of Motion, the applicant is seeking to set aside the order dated June 26, 2015 passed by the Prothonotary and Senior Master by which Writ Petition (L) No.397 of 2015 was dismissed for non removal of office objections.

3. Learned counsel for the applicant submits that the delay in filing the present Notice of Motion is of 251 days. He submits that for want of instructions from the applicant, he could not file the Notice of Motion immediately for restoration of the petitioner. He submits that in the interest of justice, this Hon'ble

Court be pleased to condone the delay and the matter be heard on its own merits. He submits that if the delay is not condoned, irreparable loss will be caused to the applicant.

4. Heard learned advocate for the applicant at length. In the present proceedings, the petitioner filed Writ Petition under Article 226 of the Constitution of India on February 9, 2015 for setting aside the order dated December 23, 2011 passed by the Deputy Commissioner of Police rejecting the petitioner's application dated March 28, 2011 for licence to start Orchestra in the hotel. It is to be noted that though the impugned order was passed on December 23, 2011, the petition was filed in the year 2015. Apart from that, despite the order passed by the Prothonotary and Senior Master, High Court, Bombay, the applicant failed to remove the office objections in time. Hence the petition stood dismissed under the Bombay High Court (Original Side) Rule No.986.

5. There is no explanation in the affidavit filed in support of Notice of Motion, for the delay of 251 days in filing the same. For want of any explanation, we do not see any reason to condone the delay.

6. Hence the Notice of Motion is dismissed.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)