

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAO] No.1262 of 2018
with
Civil Application [MCA] St. No.9453 of 2018
in
Writ Petition No.1792 of 1999 (D)

Archana D/o Tulsiram Kumbhare

vs.

*State of Maharashtra, through its Secretary, Department of Tribal Development,
Bombay & others*

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri N.V. Fulzele, Advocate for the Applicant/Petitioner.
Shri N.H. Joshi, A.G.P. for the Respondent Nos.1 to 4.
Shri Abhijeet Deshpande, Advocate for Respondent No.5*

CORAM : V.M DESHPANDE & S.M. MODAK, JJ.
DATE : 25th FEBRUARY, 2020

Heard Shri N.V. Fulzele, learned Counsel for the applicant/petitioner, Shri N.H. Joshi, learned Assistant Government Pleader for respondent Nos.1 to 4 and Shri Abhijeet Deshpande, learned Counsel for respondent No.5.

02] Writ Petition No.1792/1999 filed by the petitioner was dismissed for want of prosecution on 25/07/2013.

03] The petitioner, therefore, filed an application for restoration of the writ petition. The said application is registered as Civil Application [MCA] St. No.9453/2018. Since, there was a delay of 4 years and 219 days for moving such application, the petitioner filed

an application for condonation of delay, which is registered as Civil Application [CAO] No.1262/2018.

04] After hearing the learned Counsel for the respective parties and after going through the contents of the applications, which are on affidavit, we are of the view that the applicant/petitioner has made out a case for condonation of delay as well as for restoration of the writ petition. Consequently, the following order is passed.

ORDER

- I. Civil Application [CAO] No.1262/2018 is hereby allowed.
- II. Delay in filing the application for restoration of the writ petition is condoned.
- III. Civil Application [MCA] St. No.9453/2018 for restoration of Writ Petition No.1792/1999 is hereby allowed subject to payment of costs of Rs.5,000/- (Rupees Five Thousand Only) to the High Court Legal Services Sub-Committee, Nagpur, within a period of two weeks from today and the petitioner shall produced copy of receipt on record.
- IV. With this, both the civil applications are allowed and disposed of accordingly.

JUDGE

JUDGE