

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

**CIVIL APPLICATION (O) No.994/2019 in MCA ST.NO.21034/2016(FOR RESTO.) IN
 WRIT PETITION NO.335/1999(D)**

Dattu Narayanrao Game, Amravati

Vs.

The Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, Amravati.

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

Court's or Judge's Orders

Shri S.P.Kshirsagar, Advocate for applicant/petitioner.
 Shri P.P.Kothari, Advocate for non-applicant/respondent.

CORAM : A.S.CHANDURKAR and VINAY JOSHI, JJ.

DATE : January 30, 2020.

Prayer is to condone the delay in filing application for restoration of the writ petition which was dismissed in default on 13.03.2014. In the application it is stated that despite efforts taken, the petitioner was not informed about the status of the present proceedings. Knowledge of the fact that the writ petition was dismissed in default was got on 29.09.2016 after which the present application has been filed on 06.10.2016. Reference is made to the averments in paragraph 3 of the application.

Reply has been filed on behalf of the non-applicant opposing the aforesaid prayer. It is stated that the explanation furnished is not sufficient for condoning the delay. The grounds stated are vague do not require acceptance.

After hearing the learned counsel for the parties, it is found that the writ petition pertains to the year 1999. It was fixed for hearing but on account of absence of the petitioner's counsel, the writ petition was

dismissed for want of prosecution. The reasons mentioned in paragraph 3 of the application appear to be probable and are liable to be accepted in view of the fact that the writ petition was dismissed for want of prosecution. We are therefore inclined to condone the delay by imposing costs of Rs.2,000/- (Rs. Two thousand) on the applicant.

Accordingly the delay in filing the application for restoration of the writ petition is condoned subject to payment of costs of Rs.2,000/- (Rs. Two thousand) to be paid to the non-applicant within a week. The application is allowed and disposed of.

MISC. CIVIL APPLICATION ST. NO.21034/2016

Considering the reasons mentioned in the application, the same is allowed. The order dated 13.03.2014 is recalled and the writ petition is restored to file. The miscellaneous civil application is disposed of.

WRIT PETITION NO.335/1999

Put up for hearing on 06.02.2020.

JUDGE

JUDGE

Andurkar..