

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.14931 OF 2022
IN WP/1786/2022**

**RAVINDRA KADAPPA SHERKHANE
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS**

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Mr. R. A. Deshmukh, Advocate for applicant
Mr. A. G. Talhar, Standing Counsel for respondent Nos. 1 and 3
Mr. S. S. Varma, Advocate h/f Mr. Sagar Ladda, Advocate for
respondent No.2
Mr. A. R. Kale, AGP for respondent No.4

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**CORAM : MANGESH S. PATIL AND
Y. G. KHOBRADE, JJ.**

DATE : 09.12.2022

PER COURT :-

We have heard the learned advocate for the original petitioner as also the learned advocates for the respondents.

2. The writ petition that was dismissed in default for non removal of the office objections is being sought to be restored by condoning the delay of 48 days.

3. The learned advocate Mr. Deshmukh for the petitioner submits that there was no deliberate or intentional cause and it was inadvertently that the office objections could not be removed in time, which led to the delay and the dismissal. The petitioner is not to gain anything by permitting his claim to be lost by time.

4. Mr. Varma, learned advocate holding for learned advocate Mr. Sagar Ladda, strongly opposes the application and submits that the application is devoid of any reason or cause for the delay and for non removal of the office objections.

5. Learned advocate Mr. Talhar for respondent Nos. 1 and 3 as also the learned AGP for respondent No.4 also oppose the application.

6. It is not that the application is devoid of any cause. It has been mentioned that inadvertently the office objections could not be removed in time stipulated in the conditional order which led to the dismissal of the writ petition and the delay is meager as compared to the relief being claimed by the petitioner.

7. That apart the petitioner is not to gain anything by allowing his claim to be lost by time.

8. There is nothing on record to show that delay has occasioned with some ulterior motive.

9. For the reasons mentioned in the application, the same is allowed. Delay is condoned and the writ petition is restored, subject to the condition that the office objections would now be removed within two weeks.

[Y. G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]

SMS