

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****I.A. NO. 2708 OF 2021****IN****WRIT PETITION NO.1718 OF 2001**

The Chief Executive Officer

.....Applicant.

Vs.

Prakash Nagappa Mashale & Ors.

.....Respondents.

Mr. Anand S. Kulkarni for the Applicant.

Mr. Akkshay Kumar i/by Mr. Abhishek Avchat for the Respondents.

CORAM : A. S. GADKARI, J.**DATE : 5th MAY, 2022.****PC.:-**

This is an Application for restoration of Writ Petition No.1718 of 2001 which was dismissed for non-prosecution of Order dated 15th June, 2018. There is a delay of 974 days in filing the present Application.

2 Mr. Kumar, learned Advocate for the Respondents opposed the Application and submitted that, the delay may not be condoned and the Petition may not be restored.

3 It is to be noted here that, on 15th June, 2018 none appeared for the Applicant/Petitioner and also for the Respondents when the Petition was dismissed for non-prosecution and therefore opposition by Respondents is of no avail to them.

4 Perusal of Application indicates that, sufficient cause is made out for restoration of Petition. However, taking into consideration the inordinate delay in filing present Application, the learned Advocate for the Applicant submitted that, the Applicant will pay a cost of Rs.5,000/- to the Kirtikar Law Library, High Court, Mumbai for condonation of delay. The said statement is accepted. The cost be paid within a period of four weeks from today.

5 In view of the above and subject to payment of cost, delay is condoned and Application is allowed in terms of prayer clauses (A) (B) and (C).

(A.S. GADKARI, J.)