

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2952 OF 2022****IN****CIVIL WRIT PETITION (ST.) NO. 27725 OF 2018**

Ramrao Jeevanrao Deshmukh

... Applicant/Petitioner

V/s.

Sanjay Mithulal Munot & Ors.

... Respondents

Mr.Jamsheed Master i/b. Ms.Natasha Bhot for Applicant/Petitioner.
Mr.Sachin S. Punde for Respondent No.4.

CORAM : A.S. GADKARI, J.**DATE : 2nd May 2022.****PC. :**

1. This is an application for restoration of Writ Petition (St.) No. 27725 of 2018, which was dismissed for non removal of Office objections within a stipulated period, in pursuance of Order dated 27th February 2019. As the Applicant/Petitioner did not removed Office objections within stipulated period, by the said self operative Order, the Petition stood dismissed.

2. Mr.Master, learned counsel for the Applicant/ Petitioner submitted that, after taking into consideration the period of limitation as extended by the Hon'ble Supreme Court due to Covid-19 pandemic in the case of *Re: Cognizance For Extension Of Limitation, Suo Motu Writ Petition (C)*

No. 3 Of 2020, there is a delay of about 365 days in filing present application.

3. Mr.Sachin Punde, learned Advocate appearing for Respondent No.4 submitted that, the delay occurred in filing present application is inordinate delay and proper explanation for the same has not been offered by the Applicant. He however fairly submitted that, if the Court is inclined to condone the said delay, exemplary cost may be imposed upon the Applicant.

4. Learned counsel appearing for the Applicant/Petitioner, on instructions, makes a statement that, the Applicant/Petitioner is ready and willing to pay a cost of Rs.15,000/- for condonation of delay. The said statement is accepted.

5. Perusal of Application would indicate that, sufficient cause is made out for restoration of Writ Petition. However, taking into consideration the submissions made by the learned Advocate for the Respondent No.4 and the statement made by the learned Advocate for the Applicant/Petitioner to offer to pay a cost of Rs.15,000/- to be paid to the Kirtikar Law Library, High Court, Mumbai, delay is condoned and Application is allowed in terms of prayer Clauses (a) & (a-1).

6. The said cost be paid to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of present Order on the Official Website of High Court.

7. The Applicant/Petitioner is directed to remove Office Objections, if not removed earlier, within a period of four weeks from the date of payment of said cost.

[A.S. GADKARI, J.]

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