

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

MISC. CIVIL APPLICATION NO. 137 OF 2022
IN
WRIT PETITION NO. 4335 OF 2019

Maharashtra State Board of Secondary and -- Applicants
Higher Secondary Education & another

Vs.

Govind Shyamrao Meshram -- Non-applicant

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.D. Khade, Advocate for applicants
Mr. K.R. Sheikh, Advocate for Non-applicant

CORAM : MANISH PITALE, J.

DATE : 16 MARCH 2022

This is an application seeking restoration of the writ petition, which stood dismissed due to non-appearance of the counsel on behalf of the petitioners. By order dated 07/01/2022, the petition was dismissed with costs of Rs.5000/- to be deposited with the High Court Legal Services Sub-Committee, Nagpur. The petitioners have deposited the amount of costs and proof of the same is annexed with the application.

2. It is stated in the application that there were two counsels appearing for petitioners, but, one counsel was not well and the other counsel was appearing in another High Court.

3. The learned counsel appearing for the respondent has taken strong objection to this application. It is pointed out that the petitioners had been delaying the hearing of the petition, despite the fact that the respondent was being deprived of his retiral benefits. The learned counsel for the respondent submits that the respondent unfortunately passed away on 02/01/2022 and that, therefore, this Court may pass appropriate orders in the matter.

4. It is unfortunate that the writ petition was adjourned on number of occasions at the instance of the petitioners and ultimately, stood dismissal due to non-appearance on behalf of the petitioners. An interim order was operating in the writ petition on the condition of deposit of amount by the petitioners. The amount is lying in this Court.

5. But, it would be only in the interest of justice that appropriate directions are given in this matter for ensuring that the dispute between the parties is decided on merits at the earliest. The restoration of the writ petition would be a step in that direction.

6. In view of the above, the application for restoration of the writ petition is allowed. Consequently, the writ petition is restored.

7. In view of the fact that the respondent has unfortunately expired, the petitioners are directed to take steps immediately for bringing the legal representatives of the deceased respondent on record. Necessary steps shall be taken within a period of one week from today.

8. Thereafter, this petition shall be listed for final disposal on **07/04/2022**.

9. It is made clear that if the petitioner fails to take appropriate steps in the matter, this Court will take a serious view on the next date of listing.

10. Civil Application is disposed of.

JUDGE