

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

**CIVIL APPLICATION NO.1496 OF 2023
IN
WRIT PETITION NO.704 OF 2016**

**DR. NAINESH PRABHAKAR DAHALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

...
Advocate for the Applicant : Shri Bhokarikar Madhav M.
AGP for Respondent 1/State : Shri S.G. Karlekar
Advocate for Respondent 4 : Shri Ganesh L. Kedar i/by Shri
A.M. Karade
...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 01st September, 2023

Per Court :-

1. The Applicant prays for condonation of delay of 1406 days caused in filing this Civil Application seeking restoration of the Writ Petition. Delay is calculated by the Registry by excluding the Covid pandemic exemption period.
2. The learned Advocate for the Applicant submits that an amount of Rs.10,000/- (Rupees Ten Thousand) would be donated to the Bar Library at the Aurangabad bench.

3. The learned Advocates representing the respective Respondents submit that as the delay is inordinate, costs of at least Rs.25,000/- should be saddled.

4. We have perused the grounds set out in the Civil Application seeking condonation of delay of 1406 days. The Writ Petition was dismissed on 21.02.2019 by this Court [Coram : S.V. Gangapurwala (as His Lordship then was) and A.M. Dhavale, JJ.]. The learned Advocate for the Applicant submits that it is his mistake that he did not remain present for the hearing of the matter on six dates and thereafter, the petition was dismissed.

5. Since it is mentioned that an immovable property is the subject matter of the Writ Petition and as the Petitioner is depositing an amount of Rs.10,000/-, which will be treated as costs/ donation to the Bar Library of the Advocates' Association of Bombay High Court, Bench at Aurangabad, that we are condoning the delay of 1406 days. **This Civil Application is, therefore, allowed.**

6. The Writ Petition stands restored at the stage at which, it was dismissed.

7. The pendency of the Writ Petition would not be an

impediment for the progress of any other proceedings in between the parties.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)