

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

922 CIVIL APPLICATION NO.15422 OF 2022
IN WP/6541/2008

VIVEKANAND KASHINATH SWAMI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS CHIEF
SECRETARY AND OTHERS

...
Advocate for Applicants : Mr. Gastgar Santosh B.
AGP for Respondents: Mr. V M Kagne
Advocate for Respondents : Mr. R D Gaikwad h/f
D.J.Choudhari For R/8

...
AND

CA NO.15425/2022 IN WP/6070/2008

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CORAM : RAVINDRA V. GHUGE & SANJAY A. DESHMUKH, JJ.
Dated: January 06, 2023

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PER COURT :-

1. By this application, the applicant prays for restoration of the writ petition no.6541 of 2008 by condoning the delay of 4816 days as the petition was dismissed in default to the extent of respondent nos.1 to 3, 5, 6 and 7. Respondent nos. 1 to 6 are Government Authorities. Respondent no.7 is an Educational Society, which operates respondent no.8 College.
2. This Court issued Rule on 26.2.2009. It appears that the petitioner missed in requesting that the learned AGP would waive service of notice on Rule on behalf of respondent

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nos. 1 to 6. A similar statement was to be made with regard to respondent no.7 since Advocate Mr. D J Choudhary had already appeared for respondent no.8, which is a college operated by respondent no.7. Consequentially, the petition was dismissed to the extent of these respondents.

3. Considering the civil application, it is obvious that the reasons cited are not sufficient to condone the delay of about 13 years and 6 months. However, in the interest of justice and the fact that the writ petition having been admitted, that we are condoning the delay. The Learned Advocate for the petitioner submits that, an amount of Rs.5,000/- (Rs. Five Thousand) would be deposited with the Advocate's Association of Bombay High Court, Bench at Aurangabad.

4. The learned AGP and the learned Advocate for respondent No.7, opposed.

5. In view of the above, the civil application No.15422 of 2022 is allowed, on the condition of depositing Rs.5,000/- by the applicant with the Library, Advocate's Association of Bombay High Court, Bench at Aurangabad on or before 21.1.2023.

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6. The writ petition stands restored to the extent of respondent nos. 1 to 3 and 5 to 7. The learned AGP and the learned advocate Mr. Choudhary, waive service on behalf of these respondents. They are at liberty to enter an affidavit-in-reply to the writ petition on or before 4.2.2023.

7. List both the writ petitions in the weekly final hearing board commencing from 3.4.2023.

8. In view of the above, Civil application No.15425 of 2022 in writ petition no.6070 of 2008 praying for listing the petition for final hearing, would not survive and stands disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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