

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

**CAO NO.745 OF 2022 IN
Writ Petition No.968 of 2004 (D)**
RAIBHAN LATARU KUMBHALKAR AND OTHERS.

VS

THE EXECUTIVE ENGINEER, PUBLIC WORKS DEPT. DIVISION SADAR, NAGPUR

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.P. Bhiubhar, Advocate for the Petitioners/applicants
Ms Shamsi Haidar, AGP for the Respondent/State

CORAM : ANIL S. KILOR, J.

DATE : 22.06.2023

1. Heard.
2. This is an application for condonation of delay in filing application for restoration of petition.
3. The reasons for delay are given in paragraph Nos.2 and 3 of the application, which are as under:

"2. That, the instant Writ Petition was filed on 03/03/2004 and the Applicant appointed late Mr. M.V. Mohakar as their counsel. The applicants used to regularly seek updates about the Writ Petition from their counsel by visiting his office or telephonically. It was always told and assured by late Mr. M.V. Mohakar to the Applicants that the instant Petition is pending.

The applicants were under the impression that, the instant Writ Petition is pending and as soon as some substantial progress takes place their counsel will update accordingly.

3. That, unfortunately late Mr. M.V. Mohakar expired in the month of April 2021. The Applicants got the knowledge about the unfortunate demise of their counsel in the last week of August 2021. Thereafter, without wasting the time in the second week of September the Applicant

no.1 approached the office of late M.V. Mohakar to collect the file and all relevant documents.

It is pertinent to mention here that, the Applicant received all the relevant documents of the instant Writ Petition from the office of late Mr. Mohakar in the last week of September, 2021.”

4. The learned AGP strongly opposes the application, however, considering the reasons stated in the above referred paragraphs, I am of the opinion that the delay is properly explained and it needs to be condoned. Accordingly, the delay is condoned.

5. The application is **disposed of**.

MISC. CIVIL APPLICATION ST NO.15391 OF 2021

6. For the reasons stated in the application, the application is **allowed**.

7. The application is **disposed of**.

8. Place the writ petition for final hearing on **06.07.2023**.

[ANIL S. KILOR, J.]