



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO. 6181 OF 2023
IN WPST/19410/2022

TOLABAI SHARDADRAO BHONDVE
VERSUS
THE CHIEF EXECUTIVE OFFICER AND OTHERS

...
Mr. C. V. Thombre, Advocate for Applicant.
Mr. K. S. Patil, AGP for Respondents – State.
Mr. V. P. Savant, Advocate for Respondent NO.5.
Mr. P. D. Suryawanshi, Advocate for Respondent Nos.1 to 3.

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CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.

DATE : 30th APRIL, 2024.

ORDER :-

. Present application has been filed for condoning the delay of 140 days in filing application for recall of order dated 14.11.2022 passed by learned Registrar (Judicial).

2. The respondents are served.

3. Taking into consideration the reasons given in the application, the delay for filing the application stands condoned.

4. It appears that steps were required to be taken for serving the respondents which are not taken, as a result of which a conditional order came to be passed by learned Registrar (Judicial). Two weeks

time was granted for taking steps and it was stipulated that in case of failure to take steps within the aforesaid period, the petition would stand dismissed automatically. The applicant appears to have not taken the steps within the said stipulated period and, therefore, the conditional order came into existence.

5. The petitioner appears to be 76 years old lady and, therefore, in ordinary course, we would not have imposed cost, but even earlier also, when there was conditional order passed by this Court on 14.07.2023, copies were not supplied within the stipulated time and, therefore, there was automatic dismissal of the case. There was also delay of 39 days and for that purpose Civil Application No.12797 of 2023 was filed. Therefore, the present application deserves to be allowed with cost.

6. The application stands allowed in terms of prayer clauses 'A' and 'B', subject to deposit of cost of Rs.500/- to be deposited in this Court within a period of one week.

7. As a last chance, office objections, if any, now remaining to be removed on or before 21.06.2024.

[S. G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm