

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 11753 OF 2024
IN
WRIT PETITION ST. NO. 26977 OF 2023**

Suryakant Dattatraya Gholap & Ors. ... Applicants.

Versus

The State of Maharashtra & Anr. ... Respondents.

Mr. Dhananjay Chavan, for Applicants.

Mr. S.L. Babar, AGP for Respondents/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 14th DECEMBER, 2024

P.C. :

1. The Writ Petition was dismissed for default at pre-notice stage and registration was refused by the order of the learned Registrar (Judicial-I) dated 23rd April, 2024. Delay of 104 days is caused.

2. The learned AGP has vehemently opposed the application relying upon the law laid down by the Hon'ble Supreme Court in ***Esha Bhattacharjee v. Raghunathpur Nafar Academy , reported in (2013) 12***

SCC 649, wherein the Hon'ble Supreme Court has culled out specific principles for considering condonation of delay. He therefore, prays that the Application should be rejected and if the Court desires to entertain the same, heavy costs may be imposed and the same be donated to the Kirtikar Law Library.

3. We have considered the law laid down in ***Esha Bhattacharjee (supra)***, as well as the view of the Hon'ble Supreme Court in ***Collector of Land Acquisition, Anantnag v/s. Mst. Katiji & Ors. reported in AIR 1987 SC 1353***. We find that the delay of 162 is neither deliberate nor inordinate. The learned Registrar has refused registration for non-removal of the office objections. The Petitioners cannot be thrown out at the threshold of litigation.

4. In view of the above and since the learned Advocate for the Petitioners volunteers to donate Rs. 500/- to the Kirtikar Law Library, (Bank Account No. 000110110012632, Bank Name : Bank of India, Branch: Mumbai Main, IFSC Code : BKID0000001), this **Application is allowed**. Delay is condoned. All office objections shall be removed on or before 15th January, 2025.

5. On compliance of the above, list the Petition for admission hearing on 27th January, 2025 in the “urgent admission” category. Failing to comply with this order, would restore the order of the learned Registrar and the Petition would remain dismissed.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

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SANDEEP
TALWALKAR

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