

varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
INTERIM APPLICATION NO. 1164 OF 2024  
IN  
WRIT PETITION (ST) NO. 4634 OF 2021**

|                                   |                 |
|-----------------------------------|-----------------|
| Dharmaraj P. Kanojia              | ... Applicant   |
| IN THE MATTER BETWEEN             |                 |
| Dharmaraj P. Kanojia              | ... Petitioner  |
| vs.                               |                 |
| The State of Maharashtra and Ors. | ... Respondents |

Mr. Amey C. Sawant a/w. Neha R. Parte for Applicant.

Mr. P.P. Pujari, AGP for Respondent-State.

**CORAM : GAURI GODSE, J.  
DATED : 2<sup>nd</sup> FEBRUARY, 2024**

**P.C. :-**

1. Not on board. Taken up on production board.
2. Papers were produced pursuant to the praecipe for seeking urgent relief against the eviction notice dated 29<sup>th</sup> January 2024. This application is filed for setting aside the conditional order dated 23<sup>rd</sup> December 2022 and for restoration of the writ petition. There is a delay in filing the application. The reasons for delay are explained in the application.

3. Issue notice to respondents, returnable on 13<sup>th</sup> February 2024. Learned AGP waives notice on behalf of respondent nos. 1 to 4. In addition to court notice, applicant is directed to serve remaining respondents by private notice and file affidavit of service before the returnable date.

4. Though, delay in filing the application for restoration as well as non compliance of the conditional order is sought to be explained in the application, the same does not appear to be satisfactory. However, due to the fault of the advocate, the applicant should not be made to suffer. Hence, learned counsel appearing for the applicant states that the advocate for the applicant shall pay cost for the default on the part of the earlier advocate for the applicant.

5. Learned counsel for the applicant states that an amount of Rs. 10,000/- will be deposited in the Advocates Association of Western India Generation Next, bearing Account No. 000110110007807, in favour of Bank of India, Main Branch, having ISFC Code- BKID0000001, within one week from today. Learned counsel for the petitioner also undertakes to remove all the office objections and comply with the conditional order dated 23<sup>rd</sup> December 2022 within a period of two weeks from today.

6. Till next date there will be ad interim relief in terms of prayer clause (d) which reads as under:-

“d) pending the hearing and final disposal of the Interim Application, this Hon’ble Court may be pleased to stay the effect, implementation and operation of notice dated 29.01.2024 issued by Respondent No.4 received by Petitioner on 01.02.2024.”

7. Stand over to 13<sup>th</sup> February 2024.
8. To be listed under the caption for ‘Direction’.

**(GAURI GODSE, J.)**