

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

**INTERIM APPLICATION NO. 14399 OF 2024  
IN  
LETTERS PATENT APPEAL NO. 09 OF 2017  
IN  
WRIT PETITION NO. 5206 OF 2000  
WITH  
CIVIL APPLICATION NO. 20 OF 2017**

The Deputy Director of Social  
Forestry, Pune Division, Pune .. Applicant

**In the matter between:**

The Principal Chief Conservator of  
Forest and Director General Social  
Forestry and Anr. Petitioner

**Versus**

Vijay Bhagwan Shinde .. Respondent

...

Mr. B.V. Samant, Addl.G.P., a/w M. S. Bane, AGP, for the State.

...

**CORAM: BHARATI DANGRE &  
MANJUSHA DESHPANDE, JJ.  
DATED : 11<sup>th</sup> NOVEMBER, 2024**

**P.C:-**

1. Being aggrieved by the order dismissing the Letters Patent Appeal on 05.01.2024, the Interim Application seeking its restoration alongwith a prayer for condonation of delay is listed before us.

2. We have heard the Addl. G.P. representing the Applicant

(the Appellant No. 2 in the Letters Patent Appeal) and perused the Application.

In paragraphs 4 to 6 it is specifically stated that, inadvertently listing of the Letters Patent Appeal before the Division Bench, who was assigned the criminal matters has not taken note of, and when the Appeal was notified on board before the said Division Bench and matter was called out, none appeared for the Appellant, which resulted in an order of its dismissal for non-prosecution. In paragraph 5, the steps taken to seek restoration of the Letters Patent Appeal, once the knowledge was gained about its dismissal is specifically stated.

Since it is specifically urged before us that, if the Appeal is not restored to the file, the Forest Department will suffer irreparable loss, we are inclined to restore the Appeal to its file by condoning the delay caused in bringing out the Interim Application seeking the restoration of the Letters Patent Appeal. As a result, Interim Application is made absolute in terms of prayer clause (a) and (b).

The Letters Patent Appeal is permitted to be circulated before the appropriate Bench.

**(MANJUSHA DESHPANDE, J.)**

**(BHARATI DANGRE, J.)**