

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.3133 OF 2024
IN
WRIT PETITION NO. (L) NO.35135 OF 2023

Ketan Nandkumar Shah ... Applicant

In the matter between

Ketan Nandkumar Shah ... Petitioner

V/s.

Shailesh Surendra Singh & Ors. ... Respondents

Mr. R.D. Mishra for Applicant.

Ms. K.H. Mastakar i/b Adv. Komal Punjabi for Respondent No.5-MCGM.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 22nd October 2024.

P.C. :

1) This is an Application for restoration of Writ Petition (L) No.35135 of 2023, which was dismissed for non-compliance of the directions mentioned in the Notice dated 8th March 2024 at Exhibit A to the Application.

1.1) There is delay of 125 days in preferring present Application as stated in paragraph 7.

2) It is admitted fact on record that, the Applicant/Petitioner did not remove an office objections within the stipulated period.

3) A bare perusal of present Application would indicate that, it is

drafted in the most casual manner. No particulars are stated and averments are vague. We find that no satisfactory explanation is provided to condone the delay of 125 days by the Applicant/Petitioner.

4) In paragraph no 1 it is averred that there were number of documents to be typed and translated. No particulars have been averred and thus just a bald statement. Then in paragraph no 2 it is stated that the Advocate was under a *bona fide* belief that the same would be complied by his clerk. No explanation or particulars stated about when the Advocate followed up. In paragraph No.7 of the Application, it is categorically mentioned that, the Applicant and his Advocate on record carried a “*bona fide* wrongful impression” that objections are already removed by his office Clerk and therefore they did not take any step to remove office objections.

5) The Advocate then argued that he was not keeping well for a month, therefore, he did not file Application within a time. A perusal of the Application indicates that, no such averment is made in the Application.

6) In view of the above, we are not inclined to condone the delay and promote utter lethargy of Advocates and casualness in filing applications even on payment of costs (though not even offered) by allowing the Application. Application is accordingly, dismissed.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)