

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 641 OF 2025

Ganpat Mahadeo Kapse

-- **VERSUS** --

Rajiv Bhupendranath Siddhra

WITH

CRIMINAL WRIT PETITION NO. 435 OF 2024

Ganpat Mahadeo Kapse

-- **VERSUS** --

Rajiv Bhupendranath Siddhra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. P. Gode, Advocate for the Petitioner.

Mr. D.M. Gabhane, Advocate for the Respondent.

CORAM : M.M. NERLIKAR, J.

DATE : OCTOBER 06, 2025.

CRIMINAL APPLICATION [APPW] NO. 168/2025:

By an order dated 30/07/2024, this
Court passed the following order:-

*“ Copy of the petition has not been
supplied for issuance of notice. Advocate for
the petitioner shall supply the copy within
one week.*

*2. If it is not supplied within one week,
then petition shall stand dismissed without
further reference to the Court. ”*

2. The learned counsel for the petitioner
submits that though the matter was listed for the

supply of copies on 30/07/2024, he was unable to mark his presence on that date, and as a result, the matter went unattended.

3. He further submits that due to an oversight, the matter was not attended on the said date. Consequently, as the conditional order had been passed, he was unaware of the same. He was under the *bonafide* impression that the matter was still pending. It came to his knowledge only when he was challenging another order passed by the learned Judicial Magistrate First Class in a matter involving the same parties. Upon checking the status of the present matter at that time, he came to know that the petition had been dismissed for non-supply of copies.

4. Negligence on the part of the Advocate should not result in prejudice to the party. Therefore, the reason for the delay, as stated in Paragraph No.1 of the present application, appears to be due to the Advocate's fault, and therefore, I am inclined to condone the delay of 315 days caused in filing the restoration application.

5. In view of above, the application is allowed. The delay of 315 days caused in filing the restoration application is condoned, subject to payment of cost of Rs. 10,000/-, which shall be paid

to the respondent. It is further clarified that if the cost is not paid, the application shall stand dismissed automatically without reference to the Court.

6. Registry is directed to register the application for restoration.

CRIMINAL APPLICATION [APPW] NO. ____/2025:
For Restoration

7. Heard.

8. Issue notice to the respondent, returnable forthwith.

9. The learned counsel for the respondent waives service of notice on behalf of the sole respondent.

10. For the reasons set out in the application, the application is **allowed** and disposed of in above terms. The main matters be restored.

11. List both these matters, i.e., Criminal Writ Petition No.435/2024 and Criminal Writ Petition No.641/2025, on 06/11/2025.

[M.M. NERLIKAR, J]