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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO. 1177 OF 2024
IN
MISC CIVIL APPLICATION (ST) NO. 14246 OF 2024
IN
WRIT PETITION NO. 2228 OF 2009
(Union of India & Ors. V/s Dr. Viraj Pralhad Narnaware)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Anjali Joshi, Advocate for Applicants.

CORAM : ANIL L. PANSARE, J.
DATE : OCTOBER 23, 2024.

. Heard.

2. By the present Application, the Applicants are seeking to condone the delay of 1738 days in filing application for recalling order dated 15/10/2019 passed by this Court in Misc. Civil Application (St) No. 22523/2016 and restoration of Misc. Civil Application No. 574/2016, which came to be dismissed on the following terms :

“ For the reasons stated in the application, delay in filing restoration application stands condoned. Civil Application is disposed of.

MISC. CIVIL APPLICATION ST. NO. 22523 OF 2016

Prayer is to restore the Miscellaneous Civil Application No. 574/2016 which was dismissed in default. For the reasons stated in the present Application, the order dismissing the aforesaid application is recalled. However, the applicant to pay

costs of Rs.500/- to the High Court Legal Services Sub Committee within a period of four weeks from today. Similarly, office objections, if any, be removed within a period of four weeks.

If aforesaid directions are not complied, earlier order of dismissal shall revive. Misc. Civil Application No. 574/2016 is restored to file. Misc. Civil Application St. No.22523/2016 is disposed of.”

3. As could be seen, the Court had, in October-2019 entertained similar such prayer and condoned the delay in filing restoration application. Thereafter the Court allowed the request to restore the Misc. Civil Application No. 574/2016, subject to payment of costs of Rs.500/- with a rider that if office objections are not removed within four weeks and costs is not paid, the order of dismissal shall revive.

4. Despite such status, the Applicants failed to pay the costs as also to remove office objection within stipulated time.

5. The Applicants have approached the Court after five years with similar such prayer. The reason assigned is that the file was misplaced and was found only when office of the Counsel was under renovation.

6. To my mind, if the file was misplaced, the Counsel could have approached Registry to get another set of Application, and thus, reconstruct the file. Having not done so, there appears to me no good reason assigned to condone the delay.

7. Nonetheless, this point is kept open and will be decided in due course, but only on Applicant depositing costs of

Rs.50,000/- with the Registry within three weeks from today, failing which, the Application shall stand rejected for non-compliance of order. If the amount is deposited, List the Application in due course.

(ANIL L. PANSARE, J.)

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