



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**930 CIVIL APPLICATION NO. 11825 OF 2024
IN WRIT PETITION NO.10725 OF 2023**

FOUZIYA PARVEEN SHAIKH RAHIM

VERSUS

VIDARBH SHIKSHAN PRASARAK MANDAL

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Mr. Anand P. Chawre a/w Ms Vandana Sadawarte, Advocate for
the Applicant (Through VC)

Mr. Baliram Shinde, Advocate for Respondent No.1

Mr. A. B. Dhongade, Advocate for Respondent No.3

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**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 16.07.2025

PER COURT :-

1. Heard the learned counsel for the Applicant (original
Petitioner).

2. By this Application, the Applicants seek restoration of
the Petition which stood dismissed on account of failure on the
part of the Petitioner to comply with order dated 15.04.2024.

3. By the said order, the Petitioner was expected to
supply copies for issuance of notice to the Respondents and also
to deposit costs of Rs.100/-, failing which the Petition was to be

dismissed without reference to the Court. Since the said order could not be complied with, the Petition stood dismissed.

4. Respondent No.1 is represented by counsel, who has tendered reply affidavit along with documents. The same is taken on record.

5. The learned counsel for the Applicant submits that the Petition was originally filed at the Nagpur Bench of this Court and it was subsequently transferred to this Bench. It is explained that, due to a communication gap between the Applicant (Petitioner) and counsel, the order dated 15.04.2024 could not be complied with.

6. It is conceded that there is a delay in filing the present Application seeking restoration; however, considering the statements made in the Application, it is submitted that this Court may be pleased to allow the Application.

7. The learned counsel for Respondent No.1 vehemently opposed the application. He submits that there is hardly any explanation provided for the delay of over five months in filing the application for restoration.

8. We have perused the Application and the documents filed therewith, as well as the reply affidavit and the documents filed along with reply.

9. We find that since this Petition was originally filed at Nagpur Bench of this Court and it is transferred to this Bench, there was some communication gap between the Applicant and her Advocates. We find that the Applicant is a widow and she is pursuing her right for appointment on compassionate basis. Although the merits of the matter are irrelevant for considering the present Application, we find that on the basis of the statements made in the Application itself, the Applicant has been able to make out a case for seeking condonation of delay and for restoration of the Writ Petition.

10. The Applicant to supply copies for service upon the Respondents. We find the Respondents are represented by counsel before this Court and therefore, it would be in the interest of justice that the Application is allowed, so that the Petition can be taken up for consideration on merits.

11. In view of the above, the **Civil Application is allowed**. The Writ Petition is restored.

12. The Writ Petition shall now be taken up for consideration. The Respondents are at liberty to file their reply affidavits in the Writ Petition, within four weeks from today.

13. List the Writ Petition on 13.08.2025.

14. Appearance of Mr. Nikam, the learned counsel, shall not be shown in this Petition, henceforth.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]

SMS