

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 9032 OF 2025
IN
WRIT PETITION (STAMP) NO. 14968 OF 2023**

G. T. Builders and Developers,
Through Partners ... Applicant/Petitioner
vs.
The State of Maharashtra and others ... Respondents

Advocate C. S. Lamba a/w. Advocate R. R. Khosla, Ms. Snehal Dubey, Mr. Mohammed Shasher Ali and Mr. Ajinkya Mosamkar for applicant/petitioner.

Ms. D. S. Deshmukh, AGP for respondent No.1-State.

Mr. Pratik S. Sabrad a/w. Mr. Amey C. Sawant for respondent No.3-society.

**CORAM : MANISH PITALE, J.
DATE : 26th JUNE, 2025**

P.C. :

. By this application, the applicant seeks restoration of the writ petition, which stood dismissed by a conditional order dated 01.04.2025 passed by the Registrar (Judicial-I), as the petitioner failed to remove the office objections within the stipulated period of time.

2. At the outset, an objection is raised on behalf of respondent No.3-society that although there is delay in moving the present application for restoration, there is no prayer seeking condonation of delay, made in the application.

3. In that light, the learned counsel for the petitioner invited attention of this Court to paragraph Nos.6 to 11 of the application, to

contend that the reasons stated therein would also indicate the reasons why delay occurred on the part of the applicant in approaching this Court by way of the present application. It is submitted that the aforesaid reasons also support the prayer for restoration moved on behalf of the petitioner.

4. Although the learned counsel for respondent No.3 has vehemently opposed the present application, this Court finds substance in the contention raised on behalf of the applicant that the reasons stated in the aforesaid paragraphs indeed provide reasons for seeking restoration of the writ petition and also for seeking condonation of delay in moving the present application.

5. Since the necessary pleadings are found in the application, in the interest of justice, the applicant is permitted to amend the prayer clause to add prayer clause I(A) seeking condonation of delay in moving the present application. Amendment be carried out forthwith. Re-verification is dispensed with.

6. Reasons stated in the aforesaid paragraphs in the application indicate that due to ill-health, the applicant, through its partner Amin Abdul Mohammed Tharani, could not keep track of the pending writ petition with the office of the erstwhile advocate. A medical certificate is annexed to the application, which indicates that the said person suffers from a heart condition for which he was under treatment.

7. It is further stated that when notice dated 13.04.2025 was received from the Joint Sub-Registrar, with regard to the proposed registration in pursuance of the deemed conveyance certificate

already granted to respondent No.3, that the petitioner contacted the erstwhile advocate and came to know that the petitioner had been dismissed on the basis of the aforesaid conditional order. It is specifically stated that the erstwhile advocate informed the petitioner that she had reduced her practice and she could no longer help the applicant in pursuing the matter. In that light, the applicant was constrained to engage another advocate through whom the present application was filed.

8. Considering the aforesaid detailed reasons stated in the application, this Court is inclined to allow the present application, despite opposition on behalf of respondent No.3.

9. In view of the above, the delay is condoned. The application is allowed and the writ petition is restored, subject to the applicant removing office objections within two weeks from today.

(MANISH PITALE, J)