



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

MCA No.431/2025 in Writ Petition No.2098/2025 (D)
Hemant and another V Jagannath

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

Court's or Judge's orders

Mr. Anurag Mankar, Advocate for petitioners.
Mr. A.A. Dhawas, Advocate for respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 31-07-2025.

This is an application by the petitioner for restoration of the writ petition and for seeking permission to deposit the amount with the Registry.

2. Heard Mr. Mankar, learned Advocate for the petitioner. He submits that by order dated 17-04-2025 passed by this Court, the petitioner was directed to deposit an amount of Rs. 25,000/- with the registry within a period of two weeks from that date, to show the bonafides of the petitioner. Since the amount was not deposited and although an extension was sought, by order dated 08-05-2025, this Court declined to grant extension only because the petition stood dismissed and it was not restored. Learned Counsel for the petitioner submits that the petitioner was suffering from severe health issues and it was not possible for the petitioner to immediately deposit the amount, however, the petitioner is now ready to deposit the amount of Rs.25,000/- immediately. He submits that the order dated 17-04-2025 issuing notices in the petition was passed by the Court after considering the merits of the matter and the petitioner is interested to contest the petition on merits. He, therefore, requests for restoration of the writ petition and permission to deposit the amount.

3. Mr. Dhawas, learned Advocate for the respondent opposes the application and submits that the petitioner was not diligent in complying with the order and the application be rejected with costs.

4. Having regard to the contentions stated in the application and the submissions advanced, the writ petition needs to be restored so that it can be decided on merits.

5. Considering the order dated 17-04-2025 issuing notices which was passed after considering the merits of the matter, this application needs to be allowed by permitting the petitioner to deposit the amount within three days from today.

6. Misc. Civil Application is allowed.

7. Office is directed to accept the Demand Draft to be filed by the petitioner within three days, failing which the restoration application shall stand dismissed.

(Prafulla S. Khubalkar, J.)