



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

AO No.697/2025 in MCA St. No.14674/2025 in Writ Petition No.5210/2011 (D)
Shivkumar thr Lrs V State of Maharashtra and others

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

Court's or Judge's orders

Mr. S.M. Vaishnav, Advocate for petitioner.
Mr. S. Joshi, AGP for respondent nos.1 to 3.
Mr. D. Nikure, Advocate for respondent no.4.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 01-08-2025.

Civil Application (O) No.697/2025

This is an application for condonation of delay of 85 days in filing the restoration application. Mr. Vaishnav, learned Advocate for the applicant submits that the writ petition was admitted and it was being contested, however, on 07-03-2025 the petition got dismissed in default on account of his absence since the counsel is from outstation. The Counsel for petitioner submits that after getting knowledge about the dismissal order, he took steps for getting the petition restored and in that process there is a delay of 85 days. He submits that the delay is not intentional and not deliberate and it needs to be condoned so that the petition is restored.

2. Considering the contentions of the application and submissions advanced, delay of 85 days in filing the restoration application is condoned, subject to costs of Rs. 2000/- to be paid to the High Court Bar Association Library, Bench at Nagpur within one week from today.

3. Civil Application is allowed and disposed of.

Misc. Civil Application St No.14674/2025

This is an application for restoration of the writ petition.

2. Mr. Vaishnav, learned Advocate for the petitioner submits that the petition was admitted and when it was listed for final hearing, the Counsel did not attend the matter on 07-03-2025 since he is an outstation lawyer. Only because of his absence on that

day, the petition was dismissed in default. He submits that now the petitioner wants to contest the petition on merits and therefore requests for restoration.

3. Having regard to the contentions of the application and submissions advanced, the application is allowed. The writ petition is restored to its original file.

4. Misc. Civil Application is allowed and disposed of.

Civil Application (O) No.699/2025 in Writ Petition No.5210/2011

This is an application for bringing on record the legal representatives of deceased petitioner.

2. Heard Mr. Vaishnav, learned Advocate for the petitioner. He submits that the petitioner has expired on 30-08-2020 and the legal representatives got knowledge about the pendency of the petition only in the month of March, 2025 and thereafter immediately the application for bringing on record the legal representatives is filed. He submits that the petition is with respect to challenge to the orders regarding the fair price shop and Kerosene Dealer License which was being run by the deceased petitioner. He submits that now the applicant who is the son of the petitioner is running the fair price shop and Kerosene Dealer License and therefore the name of the petitioner may be permitted to be brought on record.

3. Having regard to the contentions of the application and submissions advanced, the application is allowed.

4. The petitioner is permitted to substitute the name of applicant in place of original petitioner.

5. Necessary amendment be carried out within one week from today.

(Prafulla S. Khubalkar, J.)