



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

MISC. CIVIL APPLICATION (RESTORATION) NO.142/2025 IN
WRIT PETITION NO.6140/2018

Sitaram s/o Rangappa Kaushik Vs. Prabhakar s/o Bapurao Rao and others

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

Court's or Judge's orders

Shri V.G. Bhamburkar, Advocate for applicant
Shri S.C. Joshi, AGP for respondent Nos.3 to 7

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 07.05.2025

Heard learned Counsel for petitioner and learned AGP for respondents/State. None for the other respondents though served.

2. The present application is filed for restoration of Writ Petition No.6140/2018 dismissed in default on 04.09.2024. It is submitted that this writ petition was listed on 04.09.2024 for final disposal. However, learned Counsel for petitioner in Writ petition No.6140/2018 could not remain present before this Court. This Court was pleased to pass the order of dismissal in default for want of prosecution.

3. It is also observed in the said matter that if any application is filed for restoration, it shall not be listed unless amount of Rs.5000/- to be deposited with the High Court Bar Association Library, Nagpur. In the said matter, the Sub Divisional Officer was directed to proceed further to decide the mutation proceeding in accordance with law.

4. It is submitted by learned Counsel for

petitioner in Writ Petition No.6140/2018 that he was absent before the Court because he was not in the down and had gone to Amravati. One of the junior rushed to this Court to mention the unavailability of the petitioner's Counsel by that time the case was over. It is submitted that there is no intentional and malafide on the part of the Counsel for petitioner and, therefore, prayed for restoration of Writ Petition No.6140/2018.

5. I have gone through the order passed by this Court. As per direction of this Court, it appears that the petitioner deposited amount of Rs.5000/- vide Pursis No.7/2025. The application appears to be filed on 03.10.2024, however, it was not listed. As per direction of this Court, since amount of Rs.5000/- was not deposited.

6. In my considered opinion, the reasons given in the application for not remaining present at the time of final hearing is satisfactory and Writ Petition which was dismissed for want of prosecution needs to be restored.

7. The Registry is directed to register the Writ Petition on its original number.

8. The application is disposed of accordingly.

JUDGE