



14.mca.185.2025.odt

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

MISC. CIVIL APPLICATION NO. 185 OF 2025

IN

WRIT PETITION NO. 404 OF 2025

(Brajesh Ashokrao Chikte V/s Dy. Engineer, Public Works Department, Akot & Ors.)

Office Notes, Office Memoranda of Coram,
Appearances, court's orders or directions and
Registrar's orders

Court's or Judge's orders

Mr. V. K. Paliwal, Advocate for Petitioner.

Mr. K. R. Lule, AGP for Respondent Nos.1 to 3 and 5.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 11, 2025.

On 28/1/2025 following order was passed :

“ *The impugned order indicates that despite several opportunities given to the petitioner- plaintiff, he failed to adduce evidence, and accordingly, the application seeking adjournment came to be rejected. The impugned order also indicates that similar such order was passed on 18/4/2024 refusing to adjourn the matter. However, the said order was recalled by the trial court in order to give opportunity to the petitioner to lead evidence.*

2] *Thus, the approach of the trial court appears to be considerate. The petitioner, however, is seeking adjournments before the trial court for no good reason.*

3] *Be that as it may, to deny opportunity of leading evidence is a serious step, though, in appropriate cases, it ought to be.*

4] *Issue notice to the respondents returnable on 25/2/2025.*

5] *Mr. S. B. Bissa, learned A.G.P. waives notice for respondent nos.1 to 3 and 5.*

6] To show his bona fides, the petitioner shall, however, deposit amount of Rs.25,000/- within one week from today. If the amount is not deposited within one week from today, the petition shall stand dismissed for non-compliance of order.

7] The proceedings before the trial court shall stand stayed on the date the amount is deposited by the petitioner.

8] Office objection shall be removed within two weeks from today, failing which, the Petition shall stand dismissed without further reference to the Court.”

2. As could be seen, the Petitioner was directed to remove office objections before the returnable date, and upon failure to do so, the Petition was to be dismissed without further reference to the Court.

3. The learned Counsel for Petitioner submits that the Petitioner failed to remove office objections, and therefore, the Petition stood dismissed.

4. By the present Application, the Petitioner is seeking to restore the Petition on file.

5. The learned Counsel submits that he will diligently remove the office objections within three working days from today and shall attend the proceedings diligently.

6. In view of the assurance so given, Misc. Civil Application is allowed and the order dated 28/1/2025 to the

extent of dismissal of Petition is recalled. The Writ Petition No. 404/2025 is restored on file.

7. The Petitioner shall remove office objections within three working days from today, failing which, the Petition shall stand dismissed without further reference to the Court, this time with costs of Rs.5000/- to be paid to the High Court Bar Library, Nagpur.

8. If the office objections are removed, issue notice to the Respondents, returnable on 15th April, 2025.

(ANIL L. PANSARE, J.)