



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

CIVIL APPLICATION (CAO) NO.435/2025

IN

MISC. CIVIL APPLICATION ST. NO.8620/2025 (RESTORATION)

IN

MISC. CIVIL APPLICATION ST. NO.12745/2023

IN

WRIT PETITION NO.4196/2008 (D)

Bramhanand Shrawan Bawanthade and others

Vs.

Govt. Of Maharashtra, thr. Its Chief Secretary, Mantralaya, Mumbai 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 S.E. Raghort, Advocate for petitioners
Shri H.D. Futane, AGP for respondent/State

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

DATED : 29.04.2025

Present application is filed for condonation of delay of 490 days in filing application for restoration of MCA St. No.12745/2023 and Writ Petition No.4196/2008.

2. It appears that Writ Petition No.4196/2008 filed by the petitioners listed for final hearing, learned Counsel for petitioners was not present on 05.06.2023. Therefore, the matter was put up on 06.06.2023. On both the time, the matter was not marked, therefore, matter was dismissed in default for non prosecution. Therefore, the petitioners have filed MCA St. No.12745/2023 for restoration of Writ Petition. However, due to inadvertence on the part of the Counsel for petitioners, the objections could not be removed within time. Therefore, registration of the

same was refused.

3. It is submitted that the mistake of the Counsel is not intentional and deliberate, but is bonafide and genuine.

4. The application is supported by affidavit of Advocate. Though it may not be intentional, however, it appears that there is no due diligence while dealing with the matter from the order dated 06.11.2023 passed by the Registrar (Judicial). It is specifically observed that there was four default in not removing office objections and no waiver is sought. Therefore, registration of MCA St No.12745/2023 was refused. Even after passing of this order, no steps were taken for 490 days for restoration of the same. As such, though I am inclined to allow the application subject to costs of Rs.2000/- to be deposited with 'The Legal Service Sub Committee, Nagpur' within a period of two weeks.

5. The Registry is directed to register the Misc. Civil Application after verifying the fact that costs is duly deposited within time.

6. The application stands disposed of accordingly.

MISC. CIVIL APPLICATION ST. NO.8620/2025

1. Present application is filed for restoration of Misc. Civil Application St. No.12745/2023 in Writ Petition No.4196/2008 dismissed in default by this Court. The registration of the said application was refused by the order of Registrar (Judicial) dated 06.11.2023. The only ground for non removal of office objections is submitted that it was inadvertent mistake

on the part of the Counsel for petitioner and, therefore, there may be granted opportunity to prosecute the petition.

2. For the reasons mentioned in the application, the application is allowed. The order dated 06.11.2023 passed by the Registrar (Judicial) is hereby set aside.

3. The Registry is directed to restore Misc. Civil Application St. No.12745/2023 in Writ Petition No.4196/2008.

4. Before restoration of registration, the Registry shall verify that the amount of costs directed in Civil Application No.435/2025 is deposited within time.

5. After registration of the Misc. Civil Application St. No.12745/2023, the petitioners shall remove office objections within two weeks.

6. The application stands disposed of accordingly.

JUDGE

R.S. Sahare