

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.13928 OF 2018
IN WP/4748/1998**

**RAHURI SAHAKARI SAKHAR KARKHANA LIMITED NOW DR BABURAO
BAPUJI TANPURE SAHAKARI SAKHAR KARKHANA
VERSUS
HAUSIRAM CHANDRABHAN GANGARE AND OTHERS**

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Advocate for the Applicant : Shri Kale Yogesh D.
Advocate for Respondent 7 : Shri A.D.Wange h/f Shri P.V.Barde

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 28th February, 2020

Per Court:

1 By this Civil Application, the applicant/ Sugar Factory seeks condonation of delay of one year and five months and further prays that the order of this Court dated 26.04.2017 dismissing the petition in default, may be recalled.

2 I have considered the submissions of the learned advocates for the respective sides and have perused the reasons assigned in the Civil Application.

3 The learned advocate for the respondents submits that if this Court is inclined to allow the Civil Application, costs may be imposed and the same may be donated to the Day Care Centre, Advocate Association of

Bombay High Court at Aurangabad.

4 Considering the above and the length of the delay and keeping in view that the applicant/ petitioner is the Sugar Factory, though not financially very strong, this Civil Application is allowed by directing the applicant/ petitioner to deposit an amount of Rs.10,000/- (Rupees Ten Thousand) with the Day Care Centre, Advocate Association of Bombay High Court at Aurangabad, on or before 23.03.2020. On this condition, the order dated 26.04.2017 shall stand recalled and the Writ Petition shall be restored and be listed for admission hearing on 30.03.2020.

5 If the direction of depositing the amount is not complied with, this order shall stand recalled without further reference to the Court on 24.03.2020 and the petition shall not be restored and listed.