HARISH VITHAL CHAUDHARI
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1605 OF 2026
IN
WRIT PETITION NO. 12496 OF 2025

Amol Tatyaso Kale ...Applicant

V/s.

The State Of Maharashtra And Others ...Respondents

...

Mr. Utkarsh Desai i/b Mr. Prashant Bhavake for the Applicant.
Mr. Siddheshwar B. Kalel, AGP for the Respondent-State.

...

Coram : ABHAY AHUJA &
NEERAJ P. DHOTE, JJ.

Date : 17th October, 2026

P. C. :

1. This Interim Application seeks restoration of the Writ Petition that came to be dismissed in view of the order dated 24th February, 2026, after condoning the delay of 170 days.

2. When the matter is called out, learned counsel appearing for the Applicant submits that when the Petition was listed on 24th February, 2026, this Court had granted time for filing typed copies of the illegible annexures, and the matter was posted to 10th March, 2026. Learned

counsel submits that it was observed in the order that if the objections are not removed and /or typed copies of the illegible annexures are not filed before the next date, the matter shall stand dismissed in default without further reference to the Court. After passing of the said order, the advocate for the Petitioner instructed his registered clerk to file typed copies of the illegible annexures within the time granted. However, due to some other work, the registered clerk of the advocate could not file typed copies of the illegible annexures within the time granted. It is submitted that, therefore, the said Writ Petition stood dismissed.

3. Learned counsel for the Applicant submits that since the Petitioner has a good case on merits in the Writ Petition, this Court may condone the delay and restore the Writ Petition, subject to reasonable costs, and thereafter grant some time to comply with the order dated 24th February, 2026.

4. Learned AGP appearing for the Respondent-State submits that if this Court is inclined to allow the Application, the same be made subject to payment of costs to the Bombay High Court Kolhapur Bench Bar Association Ad-hoc Committee.

5. Having heard the learned counsel for the Applicant and the learned AGP, and having considered the submissions, and being mindful of the settled law that for the fault of an advocate or his clerk, a litigant should

not suffer, this Court is of the view that the Interim Application be allowed, subject to payment of costs.

6. Accordingly, subject to payment of costs of Rs. 2,000/- to the Bombay High Court Kolhapur Bench Bar Association Ad-hoc Committee within a period of two weeks, the delay is condoned and the Writ Petition is restored.

7. Subject to the above, let the order dated 24th February, 2026 be complied with within a period of two weeks thereafter.

8. The Interim Application accordingly stands **allowed** and disposed as above.

[NEERAJ P. DHOTE, J.] [ABHAY AHUJA, J.]