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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.28395 OF 2023

Narendra Hirawat

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Rahul Thakar i/by C.B.Thakar for the petitioner.

Ms. Jyoti Chavan, Addl. GP for respondent No.1 to 3.

CORAM : M. S. Sonak &

Jitendra Jain, JJ.

DATE : 16 December 2024

PC.:-

1. Heard learned counsel for the parties.
2. Rule. The Rule is made returnable immediately at the request of and with the consent of the learned counsel for the parties.
3. The petitioner has instituted the appeal before the appellate authority against the order dated 25 April 2022. However, inadvertently, while filing the appeal online, as against the column indicating pre-deposit, no amount was indicated.
4. After this error was realized, the petitioner did make the 10% mandatory pre-deposit from the electronic cash ledger. However, by ignoring this compliance and holding the petitioner to the inadvertent

error, the appellate authority has dismissed the petitioner's appeal by order dated 13 April 2021.

5. Since the pre-deposit has been made, we agree with the learned counsel for the petitioner that such a rigid stand should not have been adopted. This was a case of an inadvertent error and the dismissal of the petitioner's appeal even after the error was corrected, is excessively disproportionate.

6. Accordingly we set aside the impugned order dated 13 April 2023 and restore the petitioner's appeal before appellant authority. Now that the pre-deposit has already made, the appellate authority must consider and dispose of the petitioner's appeal on merits and in accordance with law.

7. The rule is made absolute in the above terms, and there shall be no cost order.

8. All concerned must act on an authenticated copy of this order.

(Jitendra Jain, J.)

(M. S. Sonak, J.)