



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

CIVIL APPLICATION NO. 6400 OF 2026
IN WP/12774/2021

Yashodabai Manohar Kalwane And Others

VERSUS

Shankar Dada Bhalkar And Others

...

Advocate for Applicant : Mr. Murkute J.M.

AGP for Respondent/State : Mr. D.B. Bhange

Advocate for Respondent Nos.1 to 5 : Mr. M.M. Khan

...

CORAM : ROHIT W. JOSHI, J.

DATED : AUGUST 21, 2026

P.C.:

1. Leave to file additional affidavit along with documents.
2. Present application is filed for restoration of Writ Petition No.12774 of 2021, which came to be dismissed for want of prosecution vide order dated 27.04.2026. The petition was dismissed since learned advocate for petitioners did not attend the hearing on 27.04.2026 on first call in morning session and even on second call. Prior to the said date, learned advocate for the petitioners was absent on 09.04.2026. However, it appears from the record that said petition which was filed in the year 2021 was being diligently prosecuted. Learned advocate was attending the matter from time to time as and when the petition was listed.
3. Perusal of order dated 26.03.2026 will demonstrate that liberty was also sought to file additional affidavit by learned advocate

for the petitioners. It is stated in the application that on 27.04.2026 on both occasions when the petition was called out for hearing, learned advocate was held up in some other matter before this Court and, therefore, could not attend the hearing of present petition.

4. For the reasons mentioned in the application and also having regard to the past record coupled with settled legal principles that litigants should not be penalized for the mistake of advocates, the application of restoration is allowed.

5. Writ Petition No.12774 of 2021 is restored to file. Learned advocate Mr. M.M. Khan waives notice for respondent nos.1 to 5. Learned AGP waives notice for respondent nos.6 to 9.

6. List the petition for final hearing on 29.08.2026. In order to balance the equities, cost of Rs.5,000/- be paid by the petitioners to respondent nos.1 to 5.

7. Learned advocate for the petitioners prays that interim order dated 23.11.2021 be continued till next date. Learned advocate for respondent nos.1 to 5 states that the impugned order is already implemented and mutation with respect to suit property is carried out in respect of respondent nos.1 to 5.

8. In view of aforesaid, *status quo* as on today be maintained with respect to mutation entries till final disposal of the petition.

[ROHIT W. JOSHI J.]