



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO. 10539 OF 2026
IN WP/9215/2023

LALA SHANKARRAO PAWAR

VERSUS

RAMA SHANKARRAO PAWAR

...

Mr. U. M. Maske Patil h/f. Mr. V. V. Udhan, Advocate for
Applicant

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CORAM : AJIT B. KADETHANKAR, J.

DATED : 11th September 2026

P.C. :-

. This Court notes the lethargy on the part of learned Advocate for the petitioner to work out the matter after obtaining interim relief from this Court as the matter was listed for hearing on earlier occasion whereby, for want of prosecution, the same was dismissed.

2. Subsequently Civil Application No.5341 of 2026 was filed for restoration of the writ petition. On 06.08.2026, this Court accepted the reasons rendered by the learned Advocate for the petitioner and restored the matter to its original position. Obviously, this was with an understanding that the learned Advocate for the petitioner would have to work out

the matter on the given date.

3. Again, the matter was then listed twice. However, on both occasions, learned Advocate failed to appear to prosecute the matter despite giving an assurance on the earlier occasion. Pursuant to that, the writ petition again came to be dismissed for want of prosecution.

4. Now, this is another application for restoration of the writ petition. Ordinarily, this Court would not have entertained such application where the negligence and lethargy of learned Advocate in prosecuting the matter and failure to disobey the earlier orders of this Court are noticed. However, in the interest of justice and under the principle that a litigant must not suffer the effect of lethargy or negligence of his advocate, I deem it appropriate to give last chance to the petitioner to work out the matter on merits.

5. However, this concession shall be at the costs of Rs.5000/-. Learned Advocate for the petitioner would submit that for the cost, he shall not tax the client. The statement is accepted.

6. The writ petition stands restored.

7. The order dated 27.08.2026 stands recalled, provided that learned Advocate for the petitioner deposits such costs from his own pocket in the **High Court Bar Association Library, Aurangabad**. The costs be deposited today itself.

8. Stand over to 22.09.2026. **(first on board)**

(AJIT B. KADETHANKAR, J.)

PRW