

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

CIVIL APPLICATION NO.3711 OF 2015 IN
WRIT PETITION NO.4235 OF 1999

(Smt. Madanbai w/o Pannalal Sakhala (Died) L.Rs. Sau. Kanchan Ashokkumar Chopda & ors.
Vs. The State of Maharashtra & ors.)

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri A.B. Kale, Advocate for applicant
Shri G.K. Thigale, A.G.P. for State
Shri V.R. Dhorde, Advocate for respondent No.4.

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CORAM : S.V. GANGAPURWALA AND
 A.I.S. CHEEMA, JJ.

DATED : 10th April, 2015.

1. Mr. Kale, learned counsel for the applicant submits that the writ petition came to be dismissed in default on 19.8.2014 as he could not appear before the Court on the said day as due to inadvertence the matter could not be marked. According to the learned counsel, it was not a case of an intentional act, but due to inadvertence as the matter could not be marked, the same could not be attended.
2. Mr. Dhorde, learned counsel for respondent No.4 submits that the applicant was not serious in prosecuting the matter. The absence was not unintentional but due to the reasons stated in the affidavit-in-reply.
3. We have considered the submissions canvassed by the learned counsel for the respective parties. The Writ Petition is pending since the year 1999. It concerns with the right of the applicant in an immovable property. Considering the reasons given in the application and the nature of dispute involved, we allow this application in terms of prayer clause (B).

(A.I.S. CHEEMA, J.) (S.V. GANGAPURWALA, J.)