

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, orders or Registrar's	Court's or Judge's orders.
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CIVIL APPLICATION NO. 4190 OF 2015
IN WP/70/1994

MADAN BHAGWANRAO DESHPANDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. Sonwane Vilas D.
AGP for Respondent: Mr. S. A. Ambad.
Advocate for Respondent No.4: Mr. K. S. Salunke,
Advocate h/f Mr. V. D. Salunke.

CORAM: S. V. GANGAPURWALA &
A.I.S.CHEEMA, JJ.
DATED: 24th APRIL, 2015.

PER COURT:

1. The application is filed for restoration. Initially the matter was dismissed in default on 4th June, 2008. On an application made by the applicants the same was restored on 26th July, 2012. The matter was called out on 9th June, 2014. On the said date it was adjourned to 16th June, 2014. On 16th June, 2014 also none appeared for the petitioners. As such on the said date the writ

petition was dismissed. The reason given is that on 9th June, 2014 the Advocate of the Petitioners did not locate the matter on the board and on 16th June, 2014 he could not attend the matter. There is a total laxity on the part of the petitioner in prosecuting the writ petition since 2004. Twice it was dismissed in default. The present application is also filed after the prescribed period of limitation. However, considering the fact that the litigant should not suffer we are allowing the application.

2. We have heard learned counsel for the non-applicant.

3. The application is allowed in terms of prayer clauses (A) and (B). The order dated 16th June, 2014 is recalled. The matter is restored to its original position on condition that the applicants shall work out the matter on the next date.

4. S. O. to 5th May, 2015.

[A.I.S.CHEEMA, J.] [S.V.GANGAPURWALA,J.]
Dt.24/04/2015
ans/4190