

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

Civil Application (CAO) No.1394 of 2015

In

Misc. Civil Application Stamp No.11825 of 2015 (for Review)

And

Misc. Civil Application Stamp No.11825 of 2015 (for Review)

In

Writ Petition No.4492 of 2007 (D)

(Vidya Vikas Mandal, Lakhandur, Distt. Bhandara, through Secretary, and another
v. Ku. Rajani Wamanrao Hemke and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's order

Court's or Judge's orders

Shri S.P. Bhandarkar, Advocate for Applicants/petitioners.

Coram : R.K. Deshpande, J.

Date : 11th September, 2015

Civil Application (CAO) No.1394 of 2015 :

For the reasons stated in the application, the application is allowed. The delay caused in filing the review application is condoned. The application is disposed of.

Misc. Civil Application Stamp No.11825 of 2015 :

In this application for review, the reasons for absence of the counsel at the time of hearing are stated in para 1 thereof. The relevant portion is reproduced below :

“...It is also a fact that the subsequent counsel, i.e. Advocate Shri S.P. Bhandarkar, was not made available with the brief (case papers) because of some miscommunication between the erstwhile counsel and the applicants herein and, therefore, the

subsequent counsel, i.e. Advocate Shri S.P. Bhandarkar, was not able to present himself at the time of final hearing of the matter, which appears to have been decided on 18th of April, 2015. ...”

Shri Bhandarkar, the learned counsel appearing for the applicants/petitioners, submits that the aforesaid reason clearly spells out a mistake on the part of the counsel to remain present before this Court at the time of final hearing. He makes a categorical statement that it is not the mistake of the clients, i.e. the petitioners, in not making the papers available. The oral stand taken before this Court appears to be somewhat contradictory to the stand which is reproduced above. Reading of the aforesaid stand shows that it is the mistake of the petitioners in not providing the papers to the counsel, which has resulted in ultimate absence of the counsel before this Court in spite of knowing that the matter has been listed for final hearing and was called out.

Be that as it may, to test the *bona fides* of the petitioners, the learned counsel for the petitioners, upon instructions from his clients, seeks time to make a statement as to whether the petitioners are prepared to reinstate the respondents in service.

Hence, put up this matter on 21-9-2015.

Judge.