

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

WRIT PETITION NO.8984 OF 2015

Datta S/o Kisan Gaikar Vs. Bapurao S/o Kisan Gaikar

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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Mr.Ram Deshpande, advocate holding for Mr.S.V.Warad, advocate for the Petitioner.
Mr.M.P.Kale, advocate for Respondent No.1.

CORAM : S.V.GANGAPURWALA, J.
Date : 21.03.2016.

PER COURT :

1. Heard.
2. The order dated 20.2.2015, is assailed. The learned counsel for the petitioner submits that the Revision filed by the present Respondent was decided without hearing the petitioner and even without notice to the petitioner.
3. Mr.Kale, learned counsel for the Respondent submits that the Revision before the Additional Commissioner was dismissed in default. The application for restoration was filed. The notices to the petitioner on the restoration application were issued. The petitioner remained absent. Thereafter, the Court restored his

Revision. As the petitioner did not appear in the restoration proceedings, thereafter Revision has been decided on merits. No error is committed by the Revisional Authority in that regard.

4. I have considered the submissions. After the Revision is restored to its original position unless a party appears suo-motu, the authority is bound to issue notice to the Respondent therein. In the present case, it does not appear that after the restoration of the Revision, notices were ever issued to the present petitioner who was Respondent in the said Revision. The order in fact, is without notice to the petitioner.

5. Considering the above, the impugned order dated 20.2.2015 is quashed and set aside. The parties shall appear before the Deputy Commissioner (Entertainment Duty), Aurangabad on 22.4.2016. As the date of appearance is given by this Court, it will not be necessary for the Deputy Commissioner to issue notice. The Deputy Commissioner on hearing the parties, shall decide the said Revision afresh expeditiously, preferably within six (6) months from the date of appearance of parties.

6. The Writ Petition is disposed of. No costs.

(S . V . GANGAPURWALA, J .)

Dt.21.03.2016.
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