

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.12611 OF 2013
IN
WRIT PETITION NO.5436 OF 2013**

...
BANSILAL S/O. POKHARDAS MOTWANI
VERSUS
SATISH S/O. PRALHADRAO BODLE & OTHERS
...

Advocate for Applicant : Mr.A.S.Barolota
Advocate for Respondent No.1 : Mr. A.N.Nagargoje
AGP for Respondent/State: Mr.V.S.Badakh.

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**CORAM : S.S. SHINDE, J.
Date : July 5, 2016**

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PER COURT :

1. Heard the learned counsel appearing for the applicant and the learned counsel appearing for the non-applicants.
2. Upon perusal of the contents of this application, it appears that the applicant was necessary party to the Writ Petition. However, in absence of the applicant, the Writ Petition was heard and decided.
3. In that view of the matter, the application is allowed. The judgment and order dated 3rd September, 2013 passed by this Court in Writ Petition No.5436/2013 is recalled. The Writ Petition No.5436/2013 stands restored to its original file. The Application is allowed to the above extent, and the same stands disposed of accordingly.

4. Liberty to the parties to move the Petition for hearing before the appropriate Bench.

5. Parties shall act upon authenticated copy of this order.

[S.S. SHINDE, J.]

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