

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

CIVIL APPLICATION NO. 13783 OF 2016

IN

WRIT PETITION NO. 4 OF 2002

Bawaraj s/o Shivajirao Dhotre and others

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr. P.G. Rodge, Advocate for the applicant.

Smt. M.A. Deshpande , Addl.G.P. for the respondent No.1 & 2.

CORAM : RAVINDRA V. GHUGE

AND

SUNIL K. KOTWAL, JJ.

Dated : 03-11-2017.

ORAL ORDER :-

1. By order dated 25.06.2015, Writ Petition No. 4 of 2002 was dismissed for want of prosecution. This Civil Application has been filed within time, on 02.07.2015.

2. By order dated 08.09.2017, we had issued notices to the respondents and had permitted the applicant to serve respondent Nos.3 to 6 by private service and file an affidavit.

3. The applicant has placed on record the service affidavit dated 02.11.2017 and has also placed copies of the tracking report print out of the Post and Telegraph Website indicating that private notice has been served on respondent Nos.3, 4, 5 and 6, by Speed Post.

4. We have considered the submissions of the learned Advocate for the applicants and the learned A.G.P. on behalf of respondent Nos.1 and 2. Since the Civil Application has been filed within 7 (Seven) days from the date of the order dismissing the petition and for the reasons set out in the Application, the Civil Application is allowed.

5. The order dated 25.06.2015 is recalled and Writ Petition No. 4 of 2002 is restored to the stage at which it was dismissed.

6. By consent of the parties, Writ Petition No. 4 of 2002 shall stand over to 14.11.2017 for final hearing. The petitioner shall not seek an adjournment on the said date.

(SUNIL K. KOTWAL)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE