

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.3117 OF 2017
IN
CRIMINAL APPLICATION NO.1454 OF 2005.**

Purushottam S/o Kanhaiya Yampal and
Ors.

VERSUS

Asha @ Jayshree D/o Govinda Ida and
Anr.

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Mr.H.F.Pawar, Advocate for the
Applicant.

Mrs.Seema Pawar h/f Mr.A.G.Talhar,
Advocate for respondent No.1
Mr.G.O.Wattamwar, A.P.P. for
respondent No.2-State.

CORAM : V.L.ACHLIYA, J

DATED : 22nd SEPTEMBER, 2017

PER COURT :

1. The applicants have moved this application seeking condonation of delay and recall of order of dismissal of application in default of appearance of applicants and their

counsel.

2. Heard the learned counsel for the applicants and respondents and learned A.P.P. Perused the record and proceedings.

3. In the nutshell, it is the contention of the learned counsel for applicants that inadvertently, the application was listed for hearing before this Court and dismissed by recording absence of the applicant and his counsel.

4. Learned counsel for the respondent submits that there is no satisfactory explanation put forth as to absence of the applicants and their counsel on the day fixed for hearing of the case.

5. Having appreciated the submissions advanced in the light of unchallenged pleadings of the applicants, I am inclined to allow the application. In case the application is

allowed, no serious prejudice will cause to the respondent as the case will be decided on merit. However, if case is not restored, there is every likelihood that applicants may suffer serious consequences. Hence, the application is allowed in terms of prayer clauses (B) and (C). The application stands restored to original number.

6. List the application for final disposal/final hearing on 28.09.2017.

(V.L. ACHLIYA, J.)

mta/-