

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

CIVIL APPLICATION NO. 5523 OF 2015
IN
WRIT PETITION NO. 7745 of 2006

Shivaji S/o Keshavrao Pathak

...PETITIONER

VERSUS

The State of Maharashtra and others

...RESPONDENTS.

Mr Arvind Deshmukh, Advocate for petitioner

Mr A.R. Borulkar, Asstt. Govt. Pleader for Respondent No.1 and 2.

CORAM : R. D. DHANUKA &

SUNIL K. KOTWAL, JJ.

Date: 28th August 2017

ORAL ORDER:

Learned Counsel appearing for the applicant states that all the parties are served with copy of the Civil Application.

2. Mr Borulkar, learned Asstt. Govt. Pleader, waived service for respondents No.1 and 2.

3. Respondents No. 3 and 4 are absent.

4. After hearing learned Counsel for applicant and learned Asstt. Government Pleader for respondents No.1 and 2, we are of the view that applicant has made out case for restoration of the Writ Petition No. 7745 of 2006 and also for condonation of delay, if any.

5. For the reasons recorded in Civil Application, Civil Application is allowed in terms of Prayer Clause "B", on the condition that the applicant shall effect service of the Writ Petition upon respondents No.3 and 4 within four weeks from today.

6. It is made clear that if the service upon respondents No.3 and 4 is not effected within four weeks from today and affidavit of service is not filed before this Court, the order passed by this Court shall stand vacated, and Writ Petition No. 7745 of 2006 shall stand dismissed, without further reference to the Court.

7. Civil Application is disposed of in aforesaid terms.

8. After service is complete, place the Writ Petition on board for admission after four weeks.

(SUNIL K. KOTWAL)
JUDGE.

(R.D. DHANUKA)
JUDGE.

pjm