

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

CIVIL APPLICATION NO.5158 OF 2014 IN
WRIT PETITION NO.917 OF 2012

Waman s/o Ramrao Dolnar ... APPLICANT

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....
Shri H.V. Patil, Advocate for applicant
Shri S.N. Morampalle, A.G.P. for State
.....

CORAM: R.D. DHANUKA AND
 SUNIL K. KOTWAL, JJ.

DATED: 12th September, 2017.

ORAL ORDER :

1. By this Civil Application, the applicant seeks recall of the order passed by this Court, dated 4/5/2012, dismissing the Writ Petition insofar as respondent No.3, in view of the applicant having not taken any steps to serve respondent No.3, and seeks condonation o delay of 475 days in filing the Civil Application.

2. We have heard the learned counsel for the applicant and the learned A.G.P. for respondents No.1, 4 and 5. In our

view, the applicant has made out a case for condonation of delay in filing the Civil Application and for recall of the order dismissing the petition insofar as respondent No.3 is concerned, on the condition that the applicant takes steps to serve the respondent No.3 within four weeks from today.

3. Civil Application is accordingly made absolute in terms of prayer clauses (B) and (C) subject to the condition that the applicant shall take steps to serve the respondent No.3 within four weeks from today. It is made clear that, no further extension will be granted. If no steps are taken to serve the respondent No.3 within four weeks from today, the order passed by this court today shall stand automatically vacated without reference to the Court.

(SUNIL K. KOTWAL)
JUDGE

(R.D. DHANUKA)
JUDGE

fmp/