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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION (ST) NO. 4073 OF 2016
IN
WRIT PETITION NO. 4932 OF 2015**

Ramsagar Shivmurti Yadav ...Applicant/Petitioner

vs

The State of Maharashtra & Ors. ...Respondents

.....

None for the applicant.

Ms Aditi Athavale i/b Mr Rajesh Datar for Respondent No.3.

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**CORAM : M. S. SONAK, J.
13 FEBRUARY, 2017**

P.C. :

None for the applicant/petitioner. Heard Ms Aditi Athavale, learned counsel for Respondent No.3.

2 This Civil Application seeks recall of order dated 21st October, 2015, by which, Writ Petition No.4932 of 2015 was dismissed.

3 Although, neither the petitioner nor his advocate were present when the order dated 21st October, 2015 was made. It is clear from perusing the said order, that the same was made on merits and taking into consideration the gross facts involved. The facts have been set out in the order dated 21st October, 2015.

4 This Civil Application has itself been instituted beyond the prescribed period of limitation. Today, when this Civil Application has come up for hearing, neither the applicant nor his advocate are present.

5 Considering the facts recorded in the order dated 21st October 2015, and the circumstance that even today neither the applicant nor his advocate are present, it is quite clear that the applicant wants to keep these proceedings pending for one reason or the other and on such ground, possibly, to delay the execution of judgment and decree, which, has attained finality.

6 Accordingly, no further indulgence can be granted to the applicant/petitioner. The Civil Application is, therefore, dismissed with costs of Rs.5000/-.

(M. S. SONAK, J.)