

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

904 CIVIL APPLICATION NO.14852 OF 2018
IN WP/538/2017

**BIRBAL SHRIRAM PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicant : Mr. Manjramkar Milind A.
AGP for Respondents/State : Mrs. G.L. Deshpande
Advocate for Respondent Nos.2 to 5: Mr. S.R. Deshpande
...

**CORAM : PRASANNA B. VARALE &
MANGESH S. PATIL, JJ.**

DATE : 11.12.2018

PC. :-

Heard Mr. Manjramkar, the learned counsel appearing for the applicant/petitioner, learned A.G.P for respondent-state and Mr. S.R.Deshpande, the learned counsel appearing for respondent nos.2 to 5.

2. By way of the present application, the applicant/petitioner pray for restoration of the petition. Mr. Manjramkar, invited our attention to the order of this Court dated 12.03.2018 and then submits that on that day when the matter was posted before this Court the learned counsel representing the applicant/petitioner was unable to attend this Court due to ill health. The learned counsel then submits that file of the counsel was also misplaced and

for all these reasons which were beyond the control of the counsel he was unable to attend the Court and his absence was thus *bona fide*.

3. Though, the learned counsel appearing for respondent nos.2 to 5 and learned A.G.P. oppose the application. Considering the submission of the counsel and the grounds raised in the application and more particularly the ground raised in paragraph no.2, the application is allowed. Petition be restored to its file.

4. Post the petition for further consideration after Christmas Vacation.

[MANGESH S. PATIL, J.]

[PRASANNA B. VARALE, J.]