

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

936 WRIT PETITION NO. 12557 OF 2018

MAHARASHTRA STATE FINANCIAL CORPORATION
THROUGH AUTHORIZED OFFICER
VERSUS
DESHMUKH DIESEL ENTERPRISES AND OTHERS

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Advocate for Petitioner : Mr Dodya S.G.

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CORAM : N.M. JAMDAR, J.

Dated: November 24, 2018

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ORAL ORDER :-

The petitioner has challenged the order passed by the learned District Judge, Nanded, dismissing the Civil Misc. Application no.198 of 2013. The impugned order records that the petitioner, his advocate were absent, the petitioner was remaining consistently absent, and the learned Judge observing thus dismissed the petition.

2 The reading of the impugned order clearly shows that petition is dismissed for non-prosecution primarily on the ground that the petitioner and his advocate did not remain present. The explanation, if any, that the petitioner had for not filing the affidavit-

of-evidence therefore could not be placed before the learned District Judge. The petitioner has directly approached this Court in writ petition against this order. The petitioner will first apply to the learned District Judge, tender an apology for not remaining present, and seek recall of the order. If such an application is made, the learned District Judge will consider it on its own merits. With these observations, writ petition is disposed of.

(N.M. JAMDAR, J.)

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