

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 258 OF 2017
IN
CRIMINAL WRIT PETITION NO. 715 OF 2006

Shivaji Dnyanu Holkar.

..Applicant.

V/s.

Muktabai Shivaji Holkar & anr.

..Respondents.

Mr. Vijaykumar Rajendra Garad, advocate for applicant.

Mr. V.V. Gangurde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : DECEMBER 18, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application seeking recalling of the order dated 22/9/2015. This Court had observed that in fact on 25/6/2013, the Writ Petition was dismissed for want of prosecution. The application seeking restoration was filed on 18/3/2015. The grounds raised in the application seeking condonation of delay and restoration were not satisfactory. The proceedings were pertaining to the maintenance petition filed by the respondent. The application seeking restoration was also dismissed for want of prosecution. Thereafter, on 24/4/2017, this Court had granted liberty to the applicant to file fresh application seeking restoration of the petition as this Court had observed that although the petition was dismissed for want of prosecution, the petitioner had continued to deposit the maintenance amount.

Talwalkar

3 By virtue of the said liberty, the petitioner had filed fresh application on 22/5/2017 seeking restoration as well as recalling of the order dated 22/9/2015.

4 For the reasons assigned in paragraph-5 and 6 of the application, the order dated 22/9/2015 deserves to be recalled. The application seeking restoration is allowed in terms of prayer clause (a). The Writ Petition be restored to its original status and can be decided on merits. The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]