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

CIVIL APPLICATION NO. 2700 OF 2017
IN
WRIT PETITION NO. 5445 OF 2017

Anand Ramchandra Batane ...Applicant.
vs
The State of Maharashtra & Ors. ...Respondents.

.....
Mr Sarvadnya S Kadtane I/b Shriram Chaudhari for the
Applicant.
Mrs P.N.Diwan, AGP for the Respondents.

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**CORAM : K.K.TATED, &
B.P.COLABAWALLA, JJ.
AUGUST 09, 2018.**

P.C. :

Heard learned counsel for parties.

2 By this Civil Application the applicant is seeking to recall the order dated 1st August, 2017 passed by this Court by which the Writ Petition No. 5445 of 2017 was dismissed for non-prosecution.

3 Considering the submissions made by the learned counsel for the applicant and the averments made in the Civil Application, we are satisfied that the applicant has made out a case for allowing this Civil Application.

4 Hence, the following order:

- (a) The order dated 1st August, 2017 passed by this Court in Writ Petition No. 5445 of 2017 is recalled;
- (b) Writ Petition No.5445 of 2017 is restored to file for deciding the same on its own merit;
- (c) No order as to costs.

(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)