

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7383 OF 2019
IN
WRIT PETITION NO. 578 OF 2018

BHARAT SAKHARAM GHODAKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Applicants : Mr. N.S. Tekale h/f. Adv. Mr. A.R. Vaidya.
AGP for State : Mr. A.B. Chate.

CORAM : M.S. Karnik, J.
Dated : 06.08.2019

Per Court :

1. Heard the learned counsel for the petitioner.
2. This is an application for recalling the order dated 04.01.2019, passed by this Court dismissing the petition for non prosecution. There is a delay of 51 days in filing the Civil Application for restoration.
3. On 02.07.2019, this Court issued notice in the Civil Application. The office remark indicates that the service of notice is awaited. However, on going through the record it is revealed that this petition was dismissed in default and in the Writ Petition no notices were issued.

4. The present Civil Application, therefore, can be heard without service of notice on the respondents. The order dated 02.07.2019 issuing notice to the respondents is recalled.

5. Having regard to the reasons mentioned in the application, the delay in filing the application is condoned and the order dated 04.01.2019, is recalled. Writ petition is restored to its file. List the petition on 26.08.2019.

(M.S. Karnik, J.)

S.P.C.