

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

998 WRIT PETITION NO.6790 OF 2018

PRAMOD ASHRUBA KALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Shejwal Arun S
AGP for Respondents 1 and 2 : Mr. K. B. Jadhavar
Advocate for Respondents No.5 : Mr. A. B. Chate h/f Mr. S. R. Yadav
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CORAM : V. K. JADHAV, J.
DATED : 29th NOVEMBER, 2019

PER COURT:-

1. Heard both sides.
2. In view of the judgment and order passed by this court (Coram: Ravindra V. Ghuge, J.) in the case of ***Arun Sundamrao Modale vs. Sangmeshwar Tractor Authorized Dealer Ahmedpur and another, reported in 2014 (4) Mh.L.J. 757*** and also the orders passed in identical matters, as referred in para 13 of the aforesaid judgment, I am inclined to set aside impugned Dismissed in Default order dated 2.5.2018 passed by the Maharashtra State Consumer Disputes Redressal Commission, Mumbai, Circuit Bench at Aurangabad in complaint No. 64 of 2017 and restore the complaint filed before the Commission. Accordingly, I proceed to pass the following order:-

O R D E R

- I. Writ petition is hereby allowed.
- II. The impugned order dated 02.05.2018 passed by the Maharashtra State Consumer Disputes Redressal Commission, Mumbai, Circuit Bench at Aurangabad in complaint No. 64 of 2017 is hereby quashed and set aside. The complaint No. 64 of 2017 is restored to its original number.
- III. Both the parties shall appear before the Maharashtra State Consumer Disputes Redressal Commission on 16.12.2019.
- IV. Writ petition is accordingly disposed of.

(V. K. JADHAV, J.)

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