

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.53 OF 2018
(Saraswati w/o Sukhdev Garad through her Power of Attorney Vs.
The State of Maharashtra and others)

Mr.N.T.Bhagat, AGP for the respondent/State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 09/04/2019

PER COURT :

1. This Court (Coram : Manish Pitale, J.) noted the absence of the petitioner on 25/10/2018 and passed an order listing the matter on 22/11/2018 as a last chance.

2. This Court (Coram : N.M.Jamdar, J.) again noted the absence of the petitioner on 22/11/2018 and posted the matter for dismissal on 24/11/2018. Again none appeared on 11/12/2018. None appears for the petitioner even today. The petition was filed on 16/09/2015, registered in 2018 and there has been no hearing in this petition, which was earlier refused registration for non removal of office objections.

3. In view of the above, this petition is dismissed for want of

prosecution.

4. After the above order was dictated in open Court, Mr.Shinde, learned Advocate h/f Advocate Mr.Madde mentioned the matter at 2.30 p.m. and tendered an apology for the absence of Mr.Madde on account of which, the order of dismissing the petition was passed.

5. He has addressed the Court on the impugned order dated 29/04/2015, by which the State Consumer Dispute Redressal Commission, Bench at Aurangabad had dismissed the Complaint Case No.CC/13/38 in default.

6. It is further submitted that this Court had delivered the following orders in similar cases when the State Commission has passed orders of "DID" and this Court had restored such proceedings on payment of costs between Rs.5,000/- to Rs.25,000/- :-

(a) The order dated 16.1.2014 (Coram: S.V. Gangapurwala, J) in the matter of **Hemlata w/o Kantilal Thole versus United India Insurance Co. Ltd** (Writ Petition No.8401/2013).

(b) The order dated 20.2.2014 (Coram: S.V.Gangapurwala, J) in the matter of **Kapurchand Kotecha Urban Co-op. Credit Society Ltd**

& another versus Mangilal s/o Bhikchand Jain (Writ Petition No.531/2014).

(c) **Arun s/o Sudamrao Modale versus Sangmeshwar Tractor authorized Dealer** (2014(4) Mh.L.J. 757).

(d) The order dated 27.7.2015 (Coram: Sunil P. Deshmukh, J) in the matter of **Shivaji S/o Rangnath Khilari versus The Manager, Wasan Automobiles & another** (Writ Petition No.9793/2014).

(e) The order dated 3.2.2016 (Coram: V.K. Jadhav, J) in the matter of **The Branch Manager, State Bank of India versus Dharmaraj Chindha Patil** (Writ Petition No.2811 of 2015).

(f) The order dated 22.3.2016 passed by this Court in the matter of **Miss. Radhika D/o Rajesh Mandhani versus Dr. Dilip Patwardhan & another** (Writ Petition No.3985/2012).

(g) The order dated 09/08/2017 (Coram : Ravindra V.Ghuge, J.) in the matter of **Anita Chandrakant Patil Vs. The Circle Officer and another** (Writ Petition No.7718/2015)

7. Considering the above, the order of dismissing this petition in default, which is yet to be signed, will stand recalled.

8. Since a DID order passed by the State Commission is at issue, and there are 21 respondents in this petition, as well as, before the

State commission, I am issuing notice to the respondents on the condition that the petitioner will deposit an amount of Rs.21,000/- in this Court as a precondition for hearing this petition.

9. Issue notice to the respondents, returnable on 21/06/2019. The petitioner shall deposit an amount of Rs.21,000/- in this Court on or before 04/06/2019.

10. Copies of the petition paper book for issuance of notices shall be supplied on or before 18/04/2019, failing which, this petition shall stand dismissed without reference to the Court on 20/04/2019. If the amount, as directed, is not deposited in this Court, though notices are issued, this petition would stand dismissed without reference to the Court on 06/06/2019.

(Ravindra V.Ghuge, J.)