

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

**CIVIL APPLICATION NO. 1770 OF 2019
IN
WRIT PETITION (ST.) NO. 36098 OF 2017**

Smt. Aher Bharti Trambak ... Applicant.

In the matter between:

Shir Arote S. Bajirao & Anr. ... Petitioners.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. N. V. Bandiwadekar, Advocate i/by Ashwini N. Bandiwadekar & Neha N. Bandiwadekar for the Applicants.

Dr. Mrs. K. R. Kulkarni, AGP for the Respondent Nos. 1 & 2 - State.

Mr. Shailesh Chavan, Advocate i/by Milind Deshmukh for the Respondent No.3.

CORAM : R.M. BORDE & N.J. JAMADAR, JJ.

DATE : JULY 31, 2019.

PC :

1 The instant application is presented, seeking recall of the order passed by the division bench of this court on 01.07.2019, permitting withdrawal of the petition. It is contended that in fact the Petitioner No.1 was intending to request this court to permit

deletion of his name form the cause title of petition; however, erroneously a request was made for withdrawal of the petition itself and not for deletion of the name of Petitioner No.1. The request made by the Petitioner was accepted and the petition was disposed of accordingly.

2 Respective learned counsel appearing for the Respondents state that they do not have any serious objections for considering the prayer made by the Petitioner No.2. For the reasons aforesaid, the order passed by this court on 01st July, 2019, ordering the withdrawal of the petition stands recalled and the Petition is restored to file and it would be considered so far as it relates to Petitioner No.2. Request made on behalf of the Petitioner No.1, for deletion of his name, is allowed and the Petition shall be continued at instance of Petitioner no.2.

3 Civil application is disposed of.

(N.J. JAMADAR, J.)

(R.M. BORDE,J.)

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