

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (W) NO.2118/2019

IN

WRIT PETITION NO.3841/2005

Pradeep Himmatrao Wankhade Vs. State of Maharashtra & ors.

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders
.....

Court's or Judge's order

Ms. P. Rane, Advocate for the petitioners.
Shri. Amit Madiwale, Assistant Government Pleader for
respondent No.1.

CORAM : R.K. DESHPANDE &
MRS.SWAPNA JOSHI, JJ.
DATED : 27th September, 2019

This application is for recall of the order dated 17.07.2017 passed by this Court, which is reproduced below.

“Mr. V.R.Choudhari, the learned counsel appearing for the petitioner/s in all these petitions, seeks permission to withdraw these petitions. Hence the petitions are dismissed as withdrawn.”

This application is supported by the affidavit of Shri. V.R.Choudhary, who appeared for petitioners. It is stated in para 3 of the affidavit that when the matter was listed before this Court, he did not receive any instructions from the client, but wanted some more time for getting the instructions. However, there was no response from the petitioners, and therefore, this statement was made.

Apparently, there were no instructions for withdrawal of writ petitions, and in the absence of such instructions, the permission could not have been sought to withdraw the petition. At the most, for want of instructions, the petition could have been dismissed for want of prosecution. The permission sought for withdrawal of petition was without any authority. Hence, we recall the order dated 17.07.2017 and restore writ petition No. 3841 of 2005.

Put up both these matters on 04.10.2019.

JUDGE

JUDGE

RGurnule