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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.14438 OF 2019
IN
REJECTED CASE NO.1009 OF 2019
IN
WRIT PETITION NO.2474 OF 2017**

The State of Maharashtra & anr.

..APPLICANTS

VERSUS

Kum. Pratiksha d/o Anilrao Kanhe & anr.

..RESPONDENTS

Mr S. B. Yawalkar, A.G.P. for applicants;
Mr S. R. Shirsath, Advocate h/f Mr S. S. Jadhavar, Advocate for
respondent No.1

**CORAM : PRASANNA B. VARALE
AND
ANIL S. KILOR, JJ.**

DATE : 13th January, 2020

ORAL ORDER:

Heard learned Asst. Govt. Pleader appearing on behalf of the applicants and learned Counsel appearing on behalf of respondent No.1 (original petitioner).

2. Perusal of the order dated 10th August, 2017, passed by this Court in Writ Petition No.2474 of 2017 shows that respondent No.2, in view of notice being issued by an order dated 22nd February, 2017 had failed to cause appearance personally or through learned Counsel, when the petition was disposed of. It is not in dispute that in Writ

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Petition No.2474 of 2017, the order impugned was passed by the State authorities and as such, it may not be necessary for this Court to wait for the service of respondent No.2.

3. It is the submission of learned Asstt. Govt. Pleader that as non removal of office objections was an act of inadvertence and the same being not intentional or deliberate, the order of setting aside the registration of the application may be quashed and set aside and the application seeking review be restored to its file. Learned Asstt. Govt. Pleader further submitted that the delay caused in filing the application is also due to heavy workload in the office of Government Pleader.

4. In view of the submissions of learned Asstt. Govt. Pleader as well as the reasons stated in the application, the present civil application is allowed in terms of prayer clauses (B) and (C).

The application seeking review bearing number Review Application (St.) No.13688 of 2018 be restored to its file and be posted for further orders/consideration on 20th January, 2020.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)