

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

**14 CIVIL APPLICATION NO.5998 OF 2018
IN LPA/54/2000 WITH LPA/53/2000 WITH CA/4193/2018 IN
LPA/69/2000 WITH CA/2102/2002 IN LPA/53/2000 WITH
LPA/69/2000**

**AMRUT WAMANRAO KOTKAR AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicants : Mr. R.L. Kute h/f Mr. A M Gaikwad
Advocate for Petitioner in LPA/53/2000 : Mr. A.V. Hon
AGP for Respondent No.1/State : Mr. S.R. Yadav
Advocate for Respondent No.11 : Mr. M.N. Nawandar
Party in person (Intervener) : Mr. Dinakar Anant Adawadkar
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**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 20th OCTOBER, 2021

PER COURT:-

1. Leave to correct prayer clause (A) to add the number of the civil application. Addition to be carried out forthwith.

2. By this civil application, the applicants have put-forth prayer clause (A) as under:

“A. Recall the order dated 17.04.2018 in CA/1361/2018 and order dated 27.04.2018 passed in LPA No.54/2000 and restore the LPA No.54/2000 and CA/1361/2018 to its original position and for that purpose issue necessary orders.”

3. We have heard the learned counsel for the respective sides. Vide our order dated 14.09.2021, we had recorded in paragraph no.4 as under:

“4. In view of the above, issue notice to respondent No.12 under the name Dipak Choudhari/Adawadkar, returnable on 20/10/2021. The said notice shall be published at the costs of the applicants, in Marathi Daily ‘Divya Marathi’ in the main edition, which will be circulated in the entire State of Maharashtra. Such notice should be published at least 10 days prior to the returnable date in this matter and the copy of the newspaper shall be placed on record.”

4. The learned advocate for the applicants submits that the above reproduced direction has been complied with and the notice has been published in Daily ‘Divya Marathi’ newspaper in the entire State on 05.10.2021. Copies of the newspapers are placed on record.

5. Despite publication of notice all over Maharashtra, nobody appears for respondent no.12. Service is complete.

6. The learned advocate for the intervener opposes the application. The application of the intervener seeking leave to intervene is still pending.

7. The civil application, set out in the prayer clause, was dismissed in default on 17.04.2018 and the LPA was dismissed in default on 27.04.2018. This civil application has been filed on 03.05.2018 i.e. within 17 days from the date of dismissal of the civil application and within 7 days from the date of dismissal of the LPA.

8. In view of the above and for the reasons set out in the application, the same is allowed. The Civil Application No.1361 of

2018 and LPA No. 54 of 2000 are restored to the file at the stage at which they were dismissed in default.

9. Considering the consent of the parties, including the intervener applicant who appears in person, list these proceedings on 22.11.2021.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)