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

943 WRIT PETITION NO.8782 OF 2018
WITH CA/5405/2019 IN WP/8782/2018 WITH CA/10755/2021
IN WP/8782/2018

**SHIVAJI SAMBHAJI KHULE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr S. S. Dixit, Advocate for petitioners;
Mr S. G. Karlekar, A.G.P. for respondent Nos.1;
Mr M. K. Goyanka, Advocate for respondent No.4;
Mr S. S. Tawshikar, Advocate for respondent Nos.6 to 9;
Mr V. Y. Bhide, Advocate for Intervenor in CA/5405/2019

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 6th October, 2021

PER COURT:

1. The learned A.G.P. has preferred the civil application praying for recalling of the order dated 15/09/2021, by which, an amount of Rs.5,000/- was directed to be deposited with the High Court Legal Services Sub-Committee, Aurangabad.
2. The learned A.G.P. submits that respondent No.1 had developed a misconception that as the MSRTC is the sole contesting respondent, the State did not have a reason to take a stand. It was completely lost sight of that respondent No.1 was

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also directed to file an affidavit-in-reply. Only after the amount of Rs.5,000/- was directed to be deposited, that respondent No.1 realized that it had to file an affidavit-in-reply. It is further submitted that respondent No.1 may not even seek refund of the amount. However, the order dated 15/09/2021 would appear like costs having been imposed.

3. In view of the above, the learned Advocate for the petitioners submits that he may not oppose the civil application and an appropriate order may be passed.

4. We find from our order dated 15/09/2021 that we have directed Rs.5,000/- to be deposited so as to make respondent No.1 aware that it had to file an affidavit-in-reply, which was not done for 30 months.

5. As such, the order dated 15/09/2021 would only amount to a donation of Rs.5,000/-.

6. Civil Application No.10755/2021 is disposed off.

7. List Writ Petition on 28/10/2021.

(S. G. MEHARE, J.)
sjk

(RAVINDRA V. GHUGE, J.)