

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

**902 CIVIL APPLICATION NO.914 OF 2016
IN WP/1012/2004**

**CHOKHOBA YOGIRAJ GAIKWAD
VERSUS
STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicant : Mr. A S Bayas
AGP for Respondents : Mrs. M.A. Deshpande
...

**CORAM : UJJAL BHUYAN &
M.G. SEWLIKAR, JJ.**

DATED : 19th MARCH, 2021

PER COURT:-

. Heard Mr. Anand S. Bayas, learned counsel for the applicant and Mrs. Deshpande, learned AGP for respondent-State.

2. Applicant as the original petitioner had filed Writ Petition No.1012 of 2014 before this Court assailing the legality and validity of the order dated 30.11.2002 whereby he was compulsorily retired from service of Municipal Council, Bhoom, District Osmanabad. Be stated that at the time of compulsory retirement, petitioner was serving as a peon in the said council.

3. On 11.06.2007, writ petition was admitted for hearing by issuance of rule. However, on 31.10.2014, the petition was dismissed for default as none had appeared on behalf of the petitioner when the matter was called upon.

4. It is for restoration of the writ petition that the present civil application has been filed. Since the civil application was filed on

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15.12.2015 after more than a year of dismissal, prayer has also been made for condonation of delay in making the prayer for restoration of the writ petition.

5. Learned AGP fairly submits that she would have no objection to hearing of the writ petition on merits.

6. Having heard learned counsel for the parties and on due consideration, we condone the delay in filing the restoration application. Further we recall the order dated 31.10.2014 whereby the writ petition was dismissed for default. Consequently, Writ Petition No.1012 of 2004 is restored to file.

7. Civil application is accordingly disposed of.

[M.G. SEWLIKAR, J.]

[UJJAL BHUYAN, J.]