

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

CAW NO.823/2018 IN W.P. NO.4722/2008

Ramchandra Lakhantal Awate

..VS..

The Chief Officer, Municipal Council, Saoner, District Nagpur and anr

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

Court's or Judge's Order

.....
Shri V.D.Muley, Counsel for the Applicant/Petitioner.
Shri Radhika Bajaj, Counsel for R-1.

CORAM : V.M.DESHPANDE J.

DATED : JANUARY 19, 2021.

1. This is an application for recalling of judgment dated 9.3.2018 and for hearing of the writ petition.
2. Writ Petition No.4722/2008 which was admitted for final hearing was dismissed on 9.3.2018 because nobody appeared for the petitioner.
3. Be that as it may, it is clear that the case of the petitioner was not heard on its own merits by this Court on 9.3.2018.
4. Learned counsel for the applicant/petitioner who was also Advocate in the writ petition pointed out circumstances as to why he could remain present.
5. Learned counsel Ms Radhika Bajaj for respondent No.1 graciously submitted that she has no objection for allowing this application and permitting the applicant/petitioner to submit his case on its own merits.

6. The approach on the part of learned counsel Ms Radhika Bajaj for respondent No.1 is appreciated by this Court.

7. In this view of the matter, I pass following order:

ORDER

(1) The civil application is allowed.

(2) Order dated 9.3.2018 is hereby recalled.

(3) Writ Petition No.4722/2008 is restored to file and the said writ petition shall be decided after hearing.

The civil application stands disposed of accordingly.

Writ Petition No.4722/2008

1. Heard .

2. By consent of learned counsel for parties, put up this matter on for final hearing in third week of February 2021.

JUDGE

!! BRW !!

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