

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

**11 CIVIL APPLICATION NO.6291 OF 2020
IN RC/1538/2019 IN FAST/22138/18**

**SURESH BABUAPPA RAKATE
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

Mr. Anil S. Shivpuje, Advocate for the applicant
Mr. S. S. Dande, AGP for the respondents/State
Mr. A. M. Gaikwad, Advocate for respondent No.3

CORAM : S. G. DIGE, J.

DATE : 01st August, 2022

P. C.

1. Heard the learned counsel for the applicant, the learned AGP for the respondent Nos. 1 and 2 and Mr. Gaikwad, learned counsel for respondent No.3.

2. The learned counsel for the applicant submits that this court (Corum: Smt. V. V. Kankanwadi, J.) on 06-09-2019, has dismissed the applications of applicant on the ground that the advocate appearing for the applicant is consistently absent and had not taken positive steps.

3. The learned counsel for the applicant submits that only one day he was not present and the learned counsels for the respondents were present. He was busy in other court. Hence he could not remain present when the matter was called out. Hence, requested to re-call the order passed by this court.

4. I have heard all the learned counsels and perused the order passed by this court dated 06-09-2019.

5. Considering the submissions of all the learned counsels, the order dated 06-09-2019, is re-called. The application No.11463/2016 in First Appeal St. No.22138/2016, is restored.

[S. G. DIGE, J.]