

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

914 CIVIL APPLICATION NO.4981 OF 2011
WITH
CIVIL APPLICATION NO.6261/2011
WITH
CIVIL APPLICATION NO.4977/2011
IN
WRIT PETITION NO.2261/2005

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
CHANDRABHAGABAI NAMDEO WANI AND ORS.

...

Advocate for Applicants State: Mr. S. R. Yadav-Lonikar
Advocate for Respondents : Mr. Parag V. Barde

CORAM : RAVINDRA V. GHUGE, J.
DATE : 11th March, 2022

ORDER:

1. By the Civil Application No. 6261/2011, the petitioner State prays for restoration of the writ petition which was dismissed on 03.09.3007 in the light of the order of this Court for having failed in taking steps to serve the unserved respondents.
2. The learned AGP is right in submitting that the petition could have been dismissed only as against the unserved respondents and not in it's entirety.
3. In view of the above, Civil Application No.4977/2011 for condonation of delay is allowed.

Consequently, Civil Application No.4981/2019 for bringing the legal heirs of deceased respondent No.7 on record is allowed and the legal heirs shall be brought on record forthwith.

4. In view of the above, the civil application seeking restoration of the petition, since the legal heirs have been brought on record and the petition could have been dismissed only to the extent of the unserved respondent who has passed away, is also allowed.

5. As such, the writ petition is restored and by the consent of the parties, be listed for final hearing on 21.03.2022.

(RAVINDRA V. GHUGE, J.)

JPC