

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

970 WRIT PETITION NO.1433 OF 2003

**THE PRESIDENT , PRADNYA NIKETAN SHIKSHAN SANSTHA
VERSUS
SHANTA SHANKARAPPA ANNAPURE and ANR.**

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**AGP for Respondent/State: Mr. B. V. Virdhe
Advocate for Respondent No.1:
Mr. Sachin S. Deshmukh**

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CORAM : ARUN R. PEDNEKER, J.

DATE : 18th OCTOBER, 2023

PER COURT:

1. Mr. Vivek Bhavthankar, learned counsel for the petitioners has withdrawn his appearance from this matter and he is discharged from the matter by order dated 07.09.2022. Thereafter, court service notices were issued to the petitioners but none had entered appearance for the petitioners. It appears that the court service notice on the petitioners no.2 and 3 was also shown awaited for a long period of time. In the order dated 07.09.2022, it was recorded that the counsel for the petitioner had sent the letter calling instructions from petitioners no.2 and 3

and the petitioner no.1 having expired the letter was sent to his son and that they have not contacted the learned counsel for the petitioners. He had also placed on record the copy of letters sent to them through RPAD and delivery report of the said communications and, therefore, he had sought discharge from the matter. The learned counsel was discharged by order dated 07.09.2022.

2. Thereafter, the court service notice was issued to the petitioners. The same was not served for a long period of time. Respondents were also permitted to serve the unserved petitioners privately and file affidavit in that regard.

3. As per order dated 07.06.2023, again the fresh court service notices were issued to the petitioners. The court service notice issued to petitioners no.2 and 3 are served and it was served through the employees of the said petitioners no.2 and 3 and that the court service notice issued to petitioner no.1 is returned

unserved as said shikshan sanstha was not found in Degloor. Thus, although the petitioners are served individually with court notice but none appears for the petitioners.

4. In view of the non-prosecution, the writ petition is dismissed.

5. The learned counsel for respondent no.1 submits that Rs.50,000/- is deposited in this court be permitted to be withdrawn by respondent no.1.

6. Respondent No.1 is permitted to withdraw the amount of Rs.50,000/- along with accrued interest, with an undertaking that the 50% amount would be reverted back immediately within four (04) weeks, in the event this court restores the writ petition. Any withdrawal would be subject to further orders that may be passed by this court on restoration, if any.