

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

**917 CIVIL APPLICATION NO.1177 OF 2023
IN CP/708/2016**

**PUNDLIK NAGNATH DASHETWAR THROUGH HIS LRS
JANABAI PUNDLIK DASHETWAR DIED
VERSUS
GOVINDRAO TATYARAO DESHMUKH DIED THROUGH LRS
BHAUSAHEB GOVINDRAO DESHMUKH DIED AND ANOTHER**

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Mr. B.N. Palve, Advocate for the applicants.
Mr. S.V. Chandole, Advocate holding for Mr. V.G. Sakolkar,
Advocate for respondent Nos.1B and 1C.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 02.02.2023.

ORDER:-

1. Heard rival submissions. The applicants are seeking recalling of order dated 13th January 2022 whereby their contempt petition was dismissed for want of prosecution.

2. The learned Counsel for the respondents strongly opposed the application on the ground that there was no substance in the contempt petition.

3. However, it appears that the writ petition wherein the order passed which was subject matter of the contempt petition, is still pending. In view of the same, the order dated 13th January 2022 needs to be set aside. The inconvenience

caused to the other side can be compensated by awarding costs. As such, the application stands allowed in terms of prayer clause (B) subject to deposit of costs of Rs. 1,000/- (Rupees One Thousand) to be paid to the Library, Advocates Association of High Court, Bombay, Bench at Aurangabad.

4. The application is disposed of.

(SANDIPKUMAR C. MORE, J.)