

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

**30 CRIMINAL APPLICATION NO.2628 OF 2022
IN WP/972/2019**

**PRAVIN POPATLAL GOLECHA (DECEASED) THROUGH HIS L.Rs. 1-A)
MANISHA PRAVIN GOLECHA AND OTHERS
VERSUS
NILESH DATTATRAYA SURVE AND OTHERS**

Mr.H.D. Deshmukh h/f. Mr. S.D. Karkare, Advocate for the applicants.

**CORAM : KISHORE C. SANT, J.
DATED : 03.04.2023**

PC :-

01. The office report shows that the respondents are duly served. However, none appears. This is an application for restoration of Cr.W.P. No.972 of 2019, that was dismissed for want of prosecution by order dated 03.12.2021. The present applicants are legal heirs of the original petitioner, who died during pendency of the petition. The learned Advocate who was appearing for the petitioner left the practice during the period of Covid-19 and therefore no one could attend the proceedings on 03.12.2021 and it is for this reason the order was passed. Further case of the applicants is that there had no intention not to prosecute the petition. However, the applicants are very much desirous of prosecuting the said writ petition.

02. Considering the reasons given in the application, this Court finds that case is made out to restore the criminal writ petition to its original status by allowing the application.

03. Hence, the application is allowed. Criminal Writ Petition No.972 of 2019 is restored to its original status.

04. The criminal application is accordingly allowed and disposed of.

[KISHORE C. SANT, J.]