



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

22 WRIT PETITION NO.9966 OF 2019

Matoshree Pannai Sevabhavi Shikshan Sanstha Through Its
President

Versus

The State Of Maharashtra And Others

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Advocate for the Petitioner : Mr. P.G. Rodge

AGP for Respondents : Mr. P S Patil

Advocate for Respondent 4 : Ms. Jayshree Navale h/f V.D.

Salunke,

Mr. S.S. Manale Advocate For R No. 3

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WITH

CIVIL APPLICATION NO.1382 OF 2024 IN WP/13400/2019

WITH

WP NO.13400 OF 2019

**SADNATH BAHU UDDESHIYA SHIKSHAN MANDAL THROUGH
ITS SECRETARY KALIDAS S/O VASANTRAO PATIL**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS.

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Mr. G.V. Mohekar advocate for applicant.

Mr. P.S. Patil AGP for Respondent State.

Mr. S.S. Manale advocate for respondent No.3 in WP

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WITH

WRIT PETITION NO. 1690 OF 2021

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**CORAM : SMT. VIBHA KANKANWADI
AND**

S. G. CHAPALGAONKAR, JJ.

Dated : March 04, 2024

PER COURT :-

1. Civil application No.1382 of 2024 has been filed by the Petitioner in Writ Petition no.13400 of 2019 for recall of the order passed by this Court in respect of the conditional dismissal of the Petition against unserved respondent no.4 therein in view of the order dated 28.2.2020 and for condonation of delay of 663 days.

2. In view of the fact that Respondent No.4 was not served in the main petition, it is not necessary that notice should be issued in respect of the present application to the respondent no.4. Issue notice to Respondent nos.1 to 3 only. Learned AGP waives notice for respondent nos.1 and 2. Learned advocate Mr. Manale waives notice for respondent no.3.

3. We are not going into much of the details given in the civil application as to on whom copy of the petition was served in respect of respondent no.4 as it is stated that it was after the order was passed by this Court on 28.2.2020. In view of the said order, steps were directed to be taken. Now excluding Covid-19 period, delay is of 663 days occurred in filing the present application. It will not be out of place to mention here that challenging the same order, there is another petition pending before this Court i.e. Writ Petition No.9966 of 2019, wherein respondent no.4 which is the same Institution, is represented by the another Advocate. Therefore, respondent no.4 has knowledge about the fact that impugned order is challenged. In view of the same, when now the Petitioner is making statement that he would take steps to serve respondent

no.4, delay stands condoned, however, subject to costs of Rs.5,000/- (Rs. Five Thousand) to be paid within a period of Two (2) weeks from today, the impugned order dated 28.2.2020 stands recalled. Civil application No.1382 of 2024 **stands disposed off**. The Petitioners to take steps in respect of Respondent no.4 within said period of Two weeks.

4. Learned Advocate for Respondent No.4 submits that reply is already filed in Writ Petition No.9966 of 2019 and 1690 of 2021, leave is granted to the petitioner in Writ Petition No.13400 of 2019 to furnish detail address of respondent No.4 within a period of Two (2) days from today. Thereafter, issue notice to the Respondent no.4, to be made returnable on 19th March, 2024, in the same category.

5. Liberty is granted to Petitioner in Writ Petition No.13400 of 2019 to serve respondent No.4 privately by permissible mode and, if service is effected, to file affidavit-in-reply prior thereto.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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aaa/-