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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**935 CIVIL APPLICATION NO. 3208 OF 2024
IN RAST/20797/2021**

VINAYAK DAGAJI SARODE AND OTHERS
VERSUS
DHULE MUNICIPAL CORPORATION, DHULE AND OTHERS

Mr.A.S.Deshpande, Advocate for the Applicants.
Mr.V.M.Kagne, AGP for Respondent Nos. 2 and 3 in Writ Petition.
Mr.N.N.Desale, Advocate for Respondent No.1.

**(CORAM : RAVINDRA V. GHUGE AND
R.M. JOSHI, JJ.)**

DATE : APRIL 26, 2024

PER COURT :

1. The learned Advocate for the Petitioners points out that the impression carried was that the CA No.10651/2023 can be considered for restoration of the Review Application Stamp No.2/2024. Actually, that Civil Application No.10651/2023, was dismissed in default. This Civil Application No.3208/2024 has been filed for seeking restoration of CA No.10651/2023. He, therefore, submits that the order dated 21.12.2023, will have to be recalled.

2. Considering the peculiar facts before us and as the Respondents also agree that the order dated 21.12.2023 needs to be

recalled, the said order stands recalled.

3. By consent of the parties, CA No.3208/2024 is taken up for hearing. The learned Advocates for the Non Applicants oppose condonation of delay.

4. For the reasons set out and as the delay is not too large, being of 988 days, the same is condoned and the **Civil Application No.3208/2024 is allowed.**

5. By consent of the parties, since the Petitioners have already deposited Rs.10,000/- pursuant to the earlier order dated 21.12.2023, which has now been recalled, **CA No.10651/2023 is allowed by consent.** The delay is condoned. Since the objections have already been removed and the Review Application has already been registered, list the Review Application for hearing on 14.06.2024 in the “Urgent Category”.

6. The Non-Applicants are at liberty to enter their affidavits in reply before the returnable date.

(R.M.JOSHI, J.)

(RAVINDRA V. GHUGE, J.)