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

**956 CIVIL APPLICATION NO. 7389 OF 2024
IN WP/4802/2024**

**RAMA DATTA UPHADE
VERSUS
STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

....

Mr R. G. Nirmal, Advocate for Applicant;
Ms Neha Kamble, A.G.P. for Respondent No.1

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATE : 9th August, 2024

PER COURT:

1. This is a Civil Application seeking restoration of the Writ Petition, which was dismissed in default.

2. Since Respondent No.3 was not yet served when the Writ Petition got dismissed, we have heard the learned Advocate for the Petitioner and the learned A.G.P.. This Civil Application is filed within time. The default was that, a spare copy to serve the Municipal Council, was not supplied.

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3. Considering the above and since the Writ Petition got dismissed before issuing a notice to Respondent No.3, that we are entertaining this Civil Application, which is filed within time.

4. For the reasons set out in this Civil Application and since the spare copies are supplied across the bar for issuing notice to serve Respondent Nos. 2 to 5, **this Civil Application is allowed.** Writ Petition is restored at the stage, at which it was dismissed.

5. Office to issue notices to Respondent Nos.2 to 5, returnable on 10/09/2024.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk