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

**51 CIVIL APPLICATION NO. 6922 OF 2023
IN CAST/32405/2021
IN WP/2027/1996
(WP/2106/1991)**

**CHAGAN POPAT GAWALI DIED THROUGH HIS LRS
BHARATIBAI CHAGAN GAWALI AND ANOTHER**

....Applicants

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS.

.....Respondents

Mr. M. K. Deshpande, Advocate for the applicants
Mr. P. D. Patil, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 13th DECEMBER, 2024

P. C.

1. This application is filed for restoration of the petition No. 2027/1996 which was dismissed in view of the order dated 16-02-2010. It is the case of the applicants that the petitioner were not aware of this order. The petitioner Chagan Popat Gawali died after filing of the writ petition in the year 2010, the deceased Ramesh Popat Gavali also died in the year 2008. The present applicants are the heirs of the Chagan and

Ramesh. This court by order dated 16-02-2010 dismissed the petition for default. There was one more appeal between the parties i.e. Second Appeal No.215/1996 in this court. In the said appeal an order was passed on 11-10-2021. It is thereafter the applicants got the knowledge of the dismissal of the writ petition, when affidavit came to be filed by the respondents in the second appeal. It is thereafter the applicants have filed this application. There is delay of 4279 days caused in filing the present petition. Therefore, prayer is made for condonation of delay and for setting aside the order dated 16-02-2010 WP/2027/1996 (WP/2106/1991).

2. For the reasons stated in the application, this court is satisfied to restore the writ petition. In view of the same the application deserves to be allowed by condoning the delay. Therefor, the application stands allowed in terms of prayer clause-B and same is disposed off.

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3. Office to re-issue notice to the respondents in petition, returnable within 14-02-2025.

[KISHORE C. SANT, J.]

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