

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
INTERIM APPLICATION NO. 11818 OF 2024
IN
WRIT PETITION NO. 10416 OF 2018

Kundalik Mahadev Mali Applicant

IN THE MATTER BETWEEN

Kundalik Mahadev Mali Petitioner

Versus

State of Maharashtra and Ors. Respondents

Digitally
signed by
SHANTANU
SHANKARSA
DHUDUM
Date:
2024.08.21
17:46:11
+0530

Mr. P. G. Chavan, Advocate for the Applicant/Petitioner.
Mr. S. D. Rayrikar, AGP, for Respondent Nos.1 to 4 – State.
Ms. Pranali P. Railkar i/b Adv. A. A. Joshi, Advocate for Respondent
No.5.

CORAM : R. M. JOSHI, J.

DATE : 20th AUGUST, 2024.

P.C. :

1. This application is for setting aside the order dated 6th January, 2023 whereby Writ Petition No.10416 of 2018 came to be dismissed for want of prosecution.

2. Learned counsel for the Applicant/Petitioner submits that in the entire proceedings before this Court, the Petitioner has

caused his appearance on every date of hearing except the date on which petition is dismissed. It is his further contention that on 6th January, 2023 the matter was under the caption for order and, therefore, under *bona fide* impression that no order of dismissal of entire petition could be placed.

3. Learned counsel for the contesting Respondent vehemently opposes the application.

4. Perusal of the record indicates that the Petitioner was vigilant in appearing in this proceedings except for the date on which the petition was dismissed. The absence of the Petitioner is not deliberate. No prejudice much less any irreparable loss will cause to the Respondent if the petition is restored. Hence, the application is allowed in terms of prayer Clause (a).

5. Petition be restored to the stage at which it was dismissed.

(R. M. JOSHI, J.)