



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

911 CIVIL APPLICATION NO. 4700 OF 2025
IN / WITH
WRIT PETITION NO. 1269 OF 2025

JIJABAI BHAGWAN SURDKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS

....
Mr. Digambar P. Sathe, Advocate for the Applicant
Mr. V. M. Kagne, AGP for the Respondents – State
....

CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.

DATE : 08.07.2025

PER COURT :-

1. By this Application, the Applicant seeks restoration of the Writ Petition as it was dismissed due to non appearance on behalf of the Petitioner.

2. We have perused the contents of the Civil Application. The litigant should not suffer due to the fault of the counsel, is the settled position of law and therefore, only on that ground we are inclined to allow the Civil Application.

3. **The Civil Application is allowed and the Writ Petition is restored.**

4. The learned counsel is heard on the prayers made in the Writ Petition. When this Court put queries to the learned counsel for the Petitioner as to how such prayers can be justified while invoking writ jurisdiction, the learned counsel for the Petitioner, on instructions, sought permission to withdraw the Writ Petition in order to pursue the remedies before the appropriate Civil Court, if so advised.

5. **In view of above, the Writ Petition is disposed of.** The Petitioner would be at liberty take such steps as available in law, including approaching the Competent Civil Court. It is made clear that, this Court has not expressed any opinion on the merits of the matter.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]

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