



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

50 WRIT PETITION NO. 1676 OF 2025

RANGNATH S/O SANDUBA DHOLE

VERSUS

THE ADDITIONAL DIV. COMMISSIONER CHHATRAPATI SAMBHAJINAGAR
AND OTHERS

Mr.R.B. Ade, Advocate for the petitioner.
Mr.K.S. Patil, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 10.02.2025

PC :-

01. This petition is moved for restoration of proceeding bearing No. 2023/ROR/REV/CR-62. Said proceeding was dismissed by the learned Divisional Commissioner, Aurangabad, by order dated 18.10.2023 for default. The petitioner, therefore, filed an application for restoration of the revision. It is submitted that the petitioner was informed by the concerned Clerk of the office of the Commissioner that whenever the revision is listed for final hearing, notice would be issued to the petitioner. The petitioner was, thus, waiting for the notice. Since, he did not receive notice for long period, he made enquiry with the office of the Commissioner, to know status of the application. At that time, he was informed that the revision is already dismissed for default. Thereafter, he filed an application for restoration. The learned Commissioner, however, refused to allow the application stating that on six consecutive dates, none appeared for the petitioner and it for this reason the revision was dismissed.

02. Learned AGP opposes the petition. He submits that the learned Commissioner had granted sufficient opportunity to the petitioner to workout the matter. Second ground he raised is that private parties are not made respondents before the learned Commissioner as well as before this Court.

03. The original proceeding was filed after 11 years and on such ground the application was rejected. This Court finds that instead of dismissing the matter for default, it will be in the interest of justice to decide the proceeding on merits. In the present case there is some substance in the arguments of learned Advocate for the petitioner that the petitioner was waiting for notice from the officer of the Commissioner as he practices at Phulambri.

04. Considering the above, this Court is inclined to allow the petition. Hence, the petition is allowed in terms of prayer clause (B). The petitioner is at liberty to add private party before the Commissioner.

[KISHORE C. SANT, J.]