



drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1241 OF 2020
IN
WRIT PETITION NO.1047 OF 2011

Gopinath Raghu Kadam and Others

APPLICANTS

VERSUS

Dnyanoba Gahininath Tambe and Others

RESPONDENTS

.....

Mr. N.K.Chaudhari h/f Mr. S. M. Gaikwad, Advocate for Applicants
Mr. Hrishikesh V. Tungar, Advocate for Respondents No.1 to 4
Mr. A. R. Kale, AGP for Respondent - State

.....

[CORAM : NITIN B. SURYAWANSHI, &
VAISHALI PATIL-JADHAV, J. J.]

DATE : 28th NOVEMBER, 2025

ORDER :

1. By this Civil Application, the Applicants seek restoration of Writ Petition. However, there is delay of 5 years and 320 days in filing the Restoration Application.
2. According to the Applicants, the Respondents have played fraud while obtaining orders from this Court in the year 2010. The Writ Petition filed by the Applicants was being prosecuted by the deceased – original Petitioner No.1 and on account of his death, the Applicants were unaware of the status of the Writ Petition. They are agriculturists and were busy in cultivation of

their lands and, therefore, they could not approach this Court at earlier point of time. Even the Advocate on record did not inform them about dismissal of the Writ Petition for want of prosecution. Son of Applicant No.1 and Applicant No.4 visited office of Advocate engaged for conducting the Writ Petition, in the first week of January, 2020, to ascertain the status of the Writ Petition. At that time, they came to know about order dated 5th February, 2014 by which the Writ Petition is dismissed by this Court for want of prosecution.

3. Respondents No.1 to 4 have filed affidavit in reply and have opposed the Application stating that delay is not properly explained and no fraud is played by them. Learned Advocate representing Respondents No.1 to 4 strenuously opposed the Application.

4. Taking into consideration the fact that substantial rights of the Applicants are involved and the Applicants have alleged that fraud is played by the Respondents while obtaining orders from this Court, we are of the view that the matter deserves to be considered on merits. According to us, sufficient ground is made out for condonation of delay.

5. Hence, the Application is allowed by condoning the delay,

subject to Applicants paying costs of Rs.10,000/- to the Respondents within four weeks from today.

[VAISHALI PATIL-JADHAV]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE

drp/ca1241-20.doc