



drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 818 OF 2012
IN
WRIT PETITION NO.46 OF 1992

Sd. Habibuddin Sd. Allauddin

APPLICANT

VERSUS

Govinda Hanumanta and Others

RESPONDENTS

.....
Mrs. A. N. Ansari, Advocate for the Applicant

Mr. Tapan Sant h/f Mr. P. V. Mandlik, for Respondents No.1 to5

.....

[CORAM : MANJUSHA DESHPANDE, J.]

DATE : 17th JANUARY, 2025

ORDER :

1. This Civil Application has been filed by the Applicant for recall of the order dated 25th November, 2010 passed by this Court dismissing Writ Petition No. 46 of 1992 for default.

2. Though this Civil Application is filed in the year 2012, according to learned Advocate for the Applicant, during pendency of the present Civil Application, many of the Respondents died and hence the matter could not be proceeded further for want of bringing legal heirs of deceased Respondents on record. Though the Applicant has brought legal heirs of all the deceased Respondents on record, however, there is delay in processing this Civil Application.

3. Learned Advocate for the Applicant submits that when the Writ Petition was listed on the final hearing board, she could not remain present before the Court, as there was marriage in her family and she was busy in marriage ceremony and she could not attend the matter. She submits that though the Writ Petition was dismissed for default on 25th November, 2010, she got knowledge of the same on February, 2011 therefore, there is delay in filing civil application.

4. Considering the satisfactory explanation given by the Applicant, the Civil Application deserves to be allowed.

5. In the result, Civil Application is Allowed. Order dated 25th November, 2010, 2010 passed by this Court in Writ Petition No. 46 of 1992 is recalled. Writ Petition is restored to its original position.

6. Civil Application is disposed of.

**[MANJUSHA DESHPANDE_]
JUDGE**