



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6082 OF 2020

Datta Seva Mandal, Osmanabad
VERSUS
State Of Maharashtra And Others

- Mr. D. A. Naik, Advocate for the Petitioner
- Mrs. M. L. Sangit, AGP for the Respondent/State

CORAM : R. M. JOSHI, J
DATE : SEPTEMBER 22, 2025

PER COURT :

1. This Petition takes exception to the order passed by the Trial Court of dismissing the Civil M. A. No. 72/2004 for want of appearance of the Applicant/petitioner after a period of 10 years of the passing of the order.

2. Heard learned Counsels for the parties.

3. Perusal of the Application indicates that the reason given for non appearance before the Trial Court was miscommunication between the Counsel and the Petitioner/Original Applicant. Similarly, for the purpose of filing the Writ Petition after 10 years of passing of the orders dated 24.09.2010 and 18.10.2010,

the reason is given that the orders were not communicated to him.

4. A specific query is raised to the Counsel for the Petitioner as to whether any action was initiated against the Advocate for not informing him about the stage of the proceedings and the order passed in the proceedings. The answer to the said query is in negative. There cannot be any omnibus reason like the one that the Advocate has failed to communicate the stage of the proceeding and to become it a reason to set aside the order passed by the Court. The record indicates that the Petitioner/Applicant had filed affidavit in examination-in-chief and therefore, he was fully conscious of the fact that he has to face cross-examination and attend the Court till he is discharged as a witness. In spite of this, he remains absent in the Court. Not only he remains absent, not any inquiry is made with the Advocate about the stage of the proceeding for over a period 10 years thereafter. This indicates that the Petition suffers from delay and laches.

5. For want of any reasonable ground to have been

made out for considering the case of the Petitioner, this is a fit case for dismissal of the Petition. Hence, Petition stands dismissed.

6. Needless to say that remedy, if any, available in law shall not come in way of the Petitioner for the dismissal of the Petition.

(R. M. JOSHI, J.)