



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

WRIT PETITION NO. 6766 OF 2024

Bhausahab Dada Chowthe And Others

VERSUS

The Additional Divisional Commissioner And Others

...

Mr. A. R. Gaikwad, Advocate for the Petitioners

Mr. B. B. Bhise, AGP for Respondents-State

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CORAM : ROHIT W. JOSHI, J.

DATED : 07TH JULY, 2025

PER COURT :-

. Appeal filed by the present petitioner under Section 12 of the The Hyderabad Abolition of Inams and Cash Grants Act, 1954, came to be dismissed for want of prosecution vide order dated 24.08.2023. The applicant filed application for restoration of appeal. The said application came to be rejected vide order dated 12.03.2024. The present petition is filed assailing the said order dated 12.03.2024.

2. Learned Counsel for the petitioner states that the appeal was dismissed for want of prosecution, since the learned Advocate representing the petitioner/appellants did not appear in the matter. He states that the petitioners/appellants should not be penalized for the mistake on the part of their

fault in not attending the hearing. As regards the observations in paragraph no.2 of the order with respect to jurisdiction of the learned Waqf Tribunal, the learned Advocate states that the observations are obviously made without hearing the petitioners/appellants on the said aspect.

3. The learned AGP vociferously opposes the contention contending that appellants/petitioners were absent for hearing for a continuous period of seven months on eight consecutive occasions. He states that there is no plausible explanation for the same. According to him, the petitioners are merely placing the blame at the doorstep of their Advocate, while they themselves were not diligent in prosecuting the matter.

4. Having regard to the fact that the petitioners had engaged an Advocate to argue the appeal, as also having regard to the fact that presence of the appellant in person is not be needed during the course of hearing of appeal, in the considered opinion of this Court, it will be expedient in the interest of justice to grant one opportunity to appellants/petitioners to argue on merits. However, having

regard to the fact that on consecutive eight occasions, there was no appearance on behalf of petitioners, it will be appropriate to impose cost of Rs.10,000/- (Rs. Ten Thousand) on the petitioner. Cost to be deposited with Establishment Officer, O/o the Govt. Pleader & Public Prosecutor, High Court, Bench at Aurangabad (A/c No.:62002338300, State Bank of India, High Court Branch, Aurangabad)

5. In view of the aforesaid, the Writ Petition is **allowed** by quashing and setting aside order dated 12.03.2024 passed by respondent no.1/The Additional Divisional Commissioner No.2 in case no2023/Appeal-2/Inam/Registration/Cr-17(Main Case No.2022/ Appeal-2/ Inam/ Registration / Cr-122)

6. The application for restoration is allowed. Appeal case no.2022/Appeal-2/Inam/Registration/CR-122 is restored to the file of Additional Divisional Commissioner no.2 at its original stage.

7. The parties shall appear before the Appellate Authority on 31.07.2025 for which, separate notice will not be issued.

(ROHIT W. JOSHI, J.)