



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

963 REVIEW APPLICATION (CIVIL) NO. 15 OF 2025
IN WP/10907/2024

SUBHASH RAMGOPAL BHARUKA
VERSUS
KAMALNARAYAN JAGANNATH JAISWAL

Mr. A. V. Indrale Patil, Advocate for the applicant
Mr. M. P. Kale, Advocate for respondent No.1.

CORAM : R. M. JOSHI, J.
DATE : 4th APRIL, 2025

PER COURT :-

1. This application is for setting aside order dated 29/11/2024 passed in Writ Petition No. 10907/2024 on the ground that the respondent was issued notice with returnable date being mentioned in the notice as 27/11/2024, however, the proceeding did not appear on the said date. It is the contention of the learned counsel for the applicant that vakalatnama was also filed in the registry however, it was not tagged with the petition. As a result of which the learned counsel for the respondent could not ascertain the matter on the board and cause appearance. This has resulted in passing of the impugned order ex-parte against the respondent.

2. Learned counsel for the respondent opposes the application.

3. Perusal of the record indicates that this is not the case wherein respondent has deliberately not caused appearance in the proceeding on 29/11/2024. Since the respondent was served as per the record, there was no impediment in proceeding to pass order in absence of the respondent. However, since it is brought to the notice of this Court that there is discrepancy in the date intimated to the respondent of the appearance/hearing and the appearance of the matter on the board, it is a fit case to set aside the impugned order. Hence, impugned order is set aside. Writ Petition No. 10907/2024 is restored to its original position.

4. By consent of both sides, kept the Writ Petition No. 10907/2024 on 13/06/2025.

(R. M. JOSHI, J.)

ssp