



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 CIVIL APPLICATION NO. 2952 OF 2025
IN WP/5822/2011

Rajabhau Shivayya Swami
VERSUS
Ganpat Baburao Palane And Others

...

Mr. Apparao Prakash Yenegure, Advocate for Applicant.

Mr. K. S. Patil, AGP for Respondent-State.

Mr. H. B. Nangavale hf V. G. Sakolkar for Respondent No.1 in WP.

Ms. Manjiri A. Kulkarni, Advocate for Respondent No.2 in WP.

CORAM : KISHORE C. SANT, J.

DATE : 17th MARCH 2025

PC :-

1. Heard the learned Advocate for the parties.
2. This application is filed by the petitioner for restoration of writ petition which came to be disposed off as withdrawn by an order dated 5th December 2024. The impugned order shows that the petition was withdrawn on instructions of the present applicant/petitioner in presence of son of the petitioner. The son of the petitioner also produced on record a communication dated 3rd December 2024 signed by the

present applicant to his earlier Advocate. Now, this application is filed through another lawyer. Only reason assigned is that this applicant had never instructed his son or Advocate to withdraw the writ petition. He had given some signatures on blank papers to his son for some different purpose and it is his son, who misused the blank papers with signatures. It is specific case that, he had never instructed his son or lawyer to withdraw the writ petition. There is no any other averment as to whether he has taken any action against his son for making such representations. It is only submitted that he is fighting for his rights since 1991 and he had no reason to withdraw the writ petition.

3. The learned Advocate for the respondent and the learned AGP submit that, in fact, this Court had verified the communication and the same is taken on record. There is nothing to indicate that he has taken any action against his son. This Court finds that the signature on the communication is not disputed by the present applicant. If at all, he is aggrieved by an action of his son, it is open for him to take action against the son. When the son of the petitioner and earlier Advocate were present in the Court, this Court does not find any reason to

disbelieve the said communication and the representation made by the son of the petitioner. This Court does not find any merit in the application. The application therefore stands dismissed. No order as to costs.

[KISHORE C. SANT, J.]