IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10537 OF 2024
IN
WRIT PETITION NO. 5107 OF 2021

Dilip Nathu Kank & Ors. … Applicants

Versus

The State of Maharashtra & Ors. … Respondents

Ms. Bhagyashri Mangle (Through V.C.) i/b. Mr. Ketan Patil for the Applicants.
Mr. S.B. Kalel, A.G.P. for the Respondent-State.
Mr. Y.B. Lengare (Through V.C.) a/w. Mr. R. Kashid for Intervenor.

Coram : **M. S. Karnik &**
Ajit B. Kadethankar, JJ.

Date : **4th November 2025.**

P. C. :

1. The Writ Petition was dismissed in default vide order dated 23rd August 2023 passed by this Court. It appears that at number of occasions the Petitioner failed to prosecute the Writ Petition and hence, this Court was left with no other option than to dismiss the Writ Petition for want of prosecution. Accordingly the Writ Petition was dismissed.

2. By the present Interim Application, learned counsel for the Petitioner would submit that there was no deliberate attempt on negligence on the part of the Petitioner to prosecute the Petition whenever it was listed. She would submit that due to personal reason of Advocate, the Petition could not be argued on the last occasion. She undertakes that if the Petition restored to its original position, on the next date she would work out the matter without any default. She in all fairness agrees to such submission. However, it may be noted that, in the event of failure of the Petitioner to work out the Petition, the Petition will be dismissed.

3. In view of this, the Writ Petition stands restored to its original position. The order of dismissal in default dated 23rd August 2023 stands recalled. List the Writ Petition on board on 27th November 2025, under the caption 'For Admission'.

4. Interim Application No. 10537 of 2024 is allowed in the aforesaid terms.

5. In view of restoration of the Writ Petition, Interim Application No. 2583 of 2023 that was filed for intervention also stands restored to its original position.

[Ajit B. Kadethankar, J.] **[M. S. Karnik, J.]**

OMKAR SHIVAHAR KUMBHAKARN
Digitally signed by OMKAR SHIVAHAR KUMBHAKARN
Date: 2025.11.04 18:37:14 +0530

osk