

Prasad Rajput
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.8 OF 2025
IN
CIVIL APPLICATION (ST) NO.20942 OF 2016
IN
WRIT PETITION (ST) NO.8112 OF 2016

Shri. Dnyanoba Dhondiba Dhankude and Ors. .. Applicants
Versus
Smt. Jijabai Dattatray Dhankude and Ors. .. Respondents

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• Ms. Rekha C. Shukla, Advocate for Applicant.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 05, 2025

P. C.:

- 1.** Heard Ms. Shukla, learned Advocate for Applicant.
- 2.** Applicant is intervenor in Writ Petition (St) No.8112 of 2016 claiming to be one of the co-owners of the property deriving legacy from one of the predecessor-in-title to the said property. Writ Petition is filed in this Court by the Petitioner – family members of the Petitioners – Applicant challenging order dated 18.02.2016 passed by the Maharashtra Revenue Tribunal. Notice was issued on 22.03.2016 in the said Writ Petition. When the Applicant realized about filing of the Petition, he filed Civil Application (St) No.20942/2016 but the said Application was dismissed for non prosecution on 18.06.2019.

3. Ms. Shukla would submit that in order to revive Civil Application (St) No.20942/2016 intervenor filed fresh Civil Application immediately thereafter but that Civil Application came to be numbered as Civil Application No.8/2025. Ms. Shukla informs the Court that Civil Application has been served on Respondents and affidavit of service is filed on record. Ms. Shukla is right when the record of the case is perused. Civil Application for setting aside order dated 18.06.2019 was filed in 2019 itself but it was numbered as CAW (St) No.18464/2019. I have perused the averments made in the Application for setting aside the order dated 18.06.2019 and after hearing Ms. Shukla, I am convinced by her submissions.

4. In view of reasons stated in the Civil Application, Civil Application stands allowed in terms of prayer clause 'a'. Thus, Civil Application bearing (St) No.20942/2016 is restored back to the file and record of the Court.

5. Civil Application is allowed and disposed.

[MILIND N. JADHAV, J.]