



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (APPP) NO.579 OF 2025
IN
CRIMINAL APPLICATION (APPLN) NO.107 OF 2024

Shivraj s/o Laxmanrao Kale and others

Vs.

Sau. Shivani w/o Shivraj Kale

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. R. Agrawal, Counsel for the applicants.
Mr. V. N. Patre, Counsel for the non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/07/2025

1. By this application, the applicants are seeking recall of the order dated 10.02.2025.

2. Heard learned Counsel for the non-applicant, who submitted that though he filed Vakalatnama on behalf of non-applicant which was not placed before the Court as well as it was not noted in the cause list also and therefore, the Court has recorded the absence of the Counsel of the non-applicant and the matter was proceeded and disposed of by passing order.

3. He submitted that as his name was not appearing in the cause list therefore, he was not aware about the listing of the matter before this

Court and therefore, there is just and reasonable cause for recalling of the witnesses. He submitted that it is error apparent on the face of the record and therefore, the application deserves to be allowed.

4. Learned Counsel for the applicant though objected fairly admitted the facts that as the Vakalatnama was not placed before the Court as well as it was not mentioned in the cause list also and therefore, the absence was recorded.

5. In view of the above facts and circumstances, the application is allowed.

6. The order passed by this Court on 10.02.2025 is hereby recalled.

7. The original Criminal Application (APPLN) No.107/2024 be listed for the final hearing on 08.08.2025.

(URMILA JOSHI-PHALKE, J.)