



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) No. 1072/2025
IN
WRIT PETITION NO. 6411/2011
Sanjay Murlidhar Kharat Vs. The State of Maharashtra, Through its
Secretary, Ministry of Social Welfare and others

Office Memoranda Appearances, directions orders	Notes, of Court's orders and	Office Coram, orders or Registrar's	Court's or Judge's orders
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Mr. A.P. Kalmegh, Advocate for Petitioner
Mr. N.S. Autkar, AGP for Respondents / State
Mr. V.N. Patre, Advocate for Respondent No.4
Mr. V.M. Kulsange, Advocate for Respondent No.5

CORAM: ANIL L. PANSARE, J.

DATED : 1st JULY, 2025

1. By present application, the petitioner / applicant seeks recall of the order dated 25.03.2019 and to restore the petition against respondent No.5.

2. This Court vide order dated 25.03.2019, dismissed the petition against respondent No.5 for failure of the petitioner to take steps to serve the said respondent.

3. The counsel for the petitioner submits that in fact respondent No.5 was represented by Advocate Shri V.M. Kulsunge and that, therefore, there was no necessity to serve him. This aspect appears to have been not brought to the notice of the Court and, therefore, order came to be passed.

4. At this stage, the counsel for the respondent No.4 submits that the respondent No.5 was never represented by

Advocate Shri Kulsunge, at least till the time the order dated 25.03.2019 was passed.

5. The counsel for the petitioner submits that he did not mean to say that the respondent No.5 was represented, when the order dated 25.03.2019 was passed. According to him, the respondent No.5 appeared when the order of restoration of the petition, which was dismissed in default, came to be passed on 10.03.2025.

6. I have gone through the order dated 10.03.2025 to find that respondent No.5 was not represented even on that day.

7. Mr. Kulsunge, Advocate is present in the Court to submits that he has filed *Vakalatnama* on 24.06.2025.

8. Thus it appears that the respondent No.5 was not represented either when the order dated 25.03.2019 was passed or when the order dated 10.03.2025 was passed. The petitioner has given incorrect information / instructions to the counsel and, therefore, misleading submissions were made. The application is rejected on this count.

(ANIL L. PANSARE, J.)