IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 CIVIL APPLICATION NO. 7848 OF 2025
IN RAST/18696/2025
WITH CIVIL APPLICATION NO. 7849 OF 2025
IN RAST/18696/2025
WITH CIVIL APPLICATION NO. 557 OF 2026
IN CA/7848/2025

MAHANT NIGMANAND MAHARAJ DIED THR SPIRITUAL LRS
VERSUS
VITTHAL DHONDIBA WAGHMODE AND OTHERS

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Advocate for Applicant/s : Mr. Ghatol Patil Shahaji B.
Advocate for Respective Respondents : Mr. K. B. Jadhav.
Advocate for Respondent No.5 : Mr. G. K. Ulle.
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CORAM : MANJUSHA A. DESHPANDE, J.
DATE : 22.10.2026

PER COURT :-

1. The learned Advocate for the applicants submits that, during pendency of the Writ Petition, the original applicant has expired and Civil Application No.7849 of 2025 was filed for bringing the legal heirs of applicant on record, which came to be allowed vide order dated 28.07.2021 in M.A.No.290 of 2017. Consequently, the review application has been filed by the legal heirs that have been brought on record in the Regular Civil Appeal No.41 of 2011, renumbered as R.C.A. No.91 of 2025.

2. For the reasons stated in the Civil Application, the delay of 76 days caused in filing Civil Application is condoned. In view of the condonation of delay, the application for review is taken up for hearing.

3. Applicant is seeking review of the order passed by this Court on 09.01.2025. Notices have been issued to the respondents in the present application. All the respondents have been served and appearances have been caused on their behalf. Even respondent No.5, who was initially unserved was served through paper publication and has now caused appearance through learned advocate Mr. G. K. Ulle.

4. Learned advocate for respondent No.5 does not oppose the prayer made in the Review application. According to the learned advocate for the Applicant, when the matter was listed before this Court on 09.01.2025, the then learned advocate for the petitioner had made a statement before this Court that, though he has challenged the order passed below Exh.14 in Regular Civil Appeal No.41 of 2011, the Appeal itself has been dismissed in default on 11.08.2016 and the Appellant therein i.e. the petitioner in the Writ Petition had not taken any steps for restoration of the said appeal. Based on the statement made by the learned advocate for the petitioner in Writ Petition, the

Writ Petition has been disposed of. Now, an Application has been filed for recall of the said order contending that, the statement made by the learned advocate appearing or the Petitioner in Writ Petition was in fact misstatement of the fact. The dismissal of the Appeal has been set aside by the learned Ad-hoc District Judge-2, Aurangabad on 30.10.2023, by setting aside the order dated 11.08.2016 subject to payment of cost of Rs.2,000/-. The order passed in Civil M.A.No.10 of 2022 is placed on record, which supports the claim of the applicant. Since the statement is made by the learned advocate appearing for the Petitioner in the Writ Petition without being aware about the aforementioned facts, the order has been passed by this Court. Therefore, in view of the fact that when the order is passed by this Court on 09.01.2025 the order of dismissal was already set aside on 30.10.2023. The order based on wrong statement of fact deserves to be recalled. The order passed by this Court on 09.01.2025 is recalled and the Writ Petition is restored to its original position.

5. Civil Application for Review of the order dated 09.01.2025 is allowed in terms of prayer clause “B” and is accordingly disposed of.

6. In view of the service of respondent No.5, the pending Civil Application No.557 of 2026 is disposed of.

7. In view of the disposal of Civil Application for Review of the order, the pending Civil Applications, if any, are also disposed of.

(MANJUSHA A. DESHPANDE, J.)

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vmk/-