IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12308 OF 2026
IN WP/2523/2026

Chh. Sambhajinagar Municipal Corporation, Chh. Sambhajinagar, Thr. its Commissioner

VERSUS

Mr.Sadashiv s/o. Sakharam Lokhande (died) Thr. its Legal Heirs & Ors.

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Mr.Salunke Parth Surendra for the Applicant.
Mr.Kishor Hoke Patil, AGP for the Respondent/State.
Mr.Mahesh V. Ghatge for Respondent Nos.1[A], 1[C] & 1[D].

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CORAM : MANJUSHA DESHPANDE, J.

DATE : 23.10.2026

PER COURT :

1. The civil application is filed by the Applicant, Original Petitioner, for recall of order passed by this Court on 20.07.2026.

2. Head the learned Advocate, Mr.Ghatge appears on behalf of Respondent Nos.1[A], 1[C] and 1[D] and the learned AGP appearing on behalf of Respondent No.2/State.

3. According to the Applicant, the Applicant had filed the writ petition and upon hearing the petition on the first day, while issuing notice, ad-interim relief in terms of prayer clause [C] had been granted in favour of the Petitioner. It is submitted that in a common order passed by this Court on 20.07.2026, directions were issued by this Court re-issuing notice to the concerned Respondent whose service is incomplete for want

of time and not found on the given address, returnable on 24.08.2026. The respective Petitioners were directed to take steps within a period of four weeks against the unserved Respondents, failing which the petition were to be dismissed for want of prosecution.

4. It is submitted by the learned Advocate for the Applicant that since it was a common order, the Applicant had failed to take note of the same, and they were not aware about the order passed by this Court. Hence, they have failed to supply the copy for issuance of notice as per the order passed by this Court. Therefore, since the Applicant was unaware about the order, the Applicant failed to supply copy of petition for issuing notice within the time prescribed by this Court, which has resulted in the order of dismissal. It is submitted that the omission on the part of the Applicant is purely unintentional and not deliberate.

5. It is submitted that only in the first week of October-2026, when the Advocate for the Applicant received phone call from the Applicant, did he come to know about the order passed by this Court. Hence, he has moved this application for recall of order passed by this Court. Accordingly, there is a delay of 34 days.

6. The learned Advocate appearing for Respondent Nos.1[A], 1[C] & 1[D] opposes the restoration of the application.

7. On perusal of the grounds mentioned by the Applicant in the civil application for his failure to take steps in furtherance of the order passed by this Court, I am satisfied that the failure to take steps is neither

deliberate nor intentional and it is purely inadvertent. Thus, the order passed by this Court on 20.07.2026 is recalled. Civil Application is allowed in terms of Prayer Clauses [B], [C] and [D].

8. In view of restoration of the writ petition, the Applicant shall take steps against the unserved Respondents within a period of two weeks.

9. In case the Applicant fails to take steps against the unserved Respondents within a period of two weeks, the order passed by this Court on 20.07.2026 shall stand revived.

[MANJUSHA DESHPANDE, J.]