

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

914 CIVIL APPLICATION NO. 4228 OF 2016
IN FA/53/1999

THE UNION OF INDIA AND ANR
VERSUS
SAYED NAZEMA RAFIQ AND ORS.

...

Advocate for Applicants : Mr. Nagode D.G.
Mr. Balaji Shinde, Adv. h/for Mr. VP Latange,
Adv. For R-1 & 2.

CORAM : P.R.BORA, J.

DATE : 1st April, 2016.

PER COURT :

1) The present application is filed on behalf of Union of India seeking re-call of order dated 12.1.2014 passed by this Court, whereby the first appeal filed by the applicant/appellant has been dismissed for want of prosecution. The learned Counsel is also praying for condoning delay of 502 days, which has occasioned in filing the present application.

2) The learned Standing Counsel appearing for the Union of India submits that through oversight note of the appeal in question was not taken of by the concerned. Hence, no steps could

be taken within the stipulated time in the aforesaid matter. The learned Counsel submits that the appellant/applicant is ready to argue the matter finally on whichever next date that may be fixed in the present matter.

3) The learned Counsel appearing for the original claimants has opposed for allowing the application stating that the appellant/applicant was never diligent in prosecuting the matter.

4) After having considered the submission so made by the learned counsel for the parties and in particular, in view of the further submission made by the learned Counsel that he is ready to argue the matter finally on the next date, I am inclined to allow the present application. Hence, the following order, -

ORDER

- a) The application is allowed;
- b) Order dated 12.1.2014 stands recalled. The First Appeal stands restored to original file;
- c) Delay caused in filing the present application stands condoned;
- e) Place the matter for final hearing on 11th April, 2016.

(P.R.BORA)
JUDGE

bdv/