

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 2934 OF 2016 IN FA/466/1998

THE EXECUTIVE ENGINEER (CIVIL). MAHARASHTRA STATE ELECTRICITY
DISTRIBUTION CO. LTD.

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. P. P. Paithankar.

AGP for Respondent No.1 : Mr. S. S. Dande.

Advocate for Respondent No.2 : Mr.H.B.Nandagavale h/f. Mr. V. G. Sakolkar.

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WITH CA/2936/2016 IN FA/465/1998

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CORAM : K.K. SONAWANE, J.

DATED : 24TH NOVEMBER, 2017.

Order :-

Heard learned counsel for applicant- MSEDCL and learned AGP for respondent No.1 as well as Mr. H. B. Nandagavale on instruction of Mr. Sakolkar, learned counsel for respondent No.2. Perused the applications.

2. Mr. Nandagavale h/f. Mr. Sakolkar, learned counsel submits that respondent No. 2 is no more. However, in view of the nature of subject matter, there is no impediment to adjudicate the present application on merit in absence of legal representatives of appellant/respondent No.2. But, his cross-objection is on record in this matter, which is still pending for final hearing on merit.

3. In view of the reasons mentioned in applications, there is no impediment to restore the appeal at it's original stage for further process. Accordingly, civil applications stand allowed in terms of prayer clause 'B'. The order of dismissal of appeals passed by this Court dated 27-01-2016 is hereby recalled. The proceedings of appeals bearing F.A.No. 465 and 466 of 2010 be restored at it's original stage. The Registry to take note about the same and list the appeals and cross-objections for further process in due course. Accordingly, civil applications stand disposed of in above terms.

**[K. K. SONAWANE]
JUDGE**

rrd.