

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

(1) CA NO.9558 of 2017gr

**919 CIVIL APPLICATION NO. 9558 OF 2017**  
IN FA/550/1993

DNYANESHWAR RAMBHAU SURYAWANSHI  
VERSUS  
THE STATE OF MAHH. THR COLLECTOR, OSMANABAD

...  
Advocate for Applicant : Mr.Kabade Vivek V.  
AGP for Respondent State:Mr. S.P.Sonpawale

...  
WITH  
**CIVIL APPLICATION NO.10064 OF 2017**

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CORAM : P.R. BORA, J.  
Dated: August 04, 2017

...  
PER COURT :-

1. Heard learned Counsel for the applicant.
2. Learned Counsel submits that the appeal was admitted in the year 1993. It was listed for final disposal some times in the year 2014 and the same was not attended by the appellant and hence was dismissed for want of prosecution. Learned Counsel submits that the appellant undertakes to argue the appeal immediately on restoration and also are ready to waive interest for the period of delay which has occurred in filing the present application. Learned A.G.P. though opposed for allowing the application has, in the alternative, submitted that the appellants

agp/-

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(2)

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be dis-entitled from claiming interest for the entire period and it shall be made applicable from the date of order passed by this Court.

3. Considered the submissions made by the learned Counsel appearing for the parties. For the reasons stated in the applications, both the applications are allowed. The order passed on 6th of January, 2014 is set aside. The First Appeal No.550/1993 stands restored to original file. Delay caused in filing the application is condoned.

4. It is clarified that the appellants will not be entitled for any statutory benefit or interest for the period of delay which has occasioned in getting restored the matter from the date of dismissal of appeal i.e. from 6.1.2014, till this date.

5. Both the Civil Applications stand disposed of.

( P.R. BORA, J. )

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agp/-