

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.4269 OF 2012

**909 CIVIL APPLICATION NO. 4269 OF 2012
IN FAST/60/2012**

VIJAY PITAMBAR PATIL
VERSUS
DATTATRAY JAGANNATH VANI (TFL) AND ANR

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Advocate for Applicant : Mr.Patil Mahesh H.

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CORAM : P.R. BORA, J.
Dated: July 14, 2017

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PER COURT :-

1. Since the office objections were not removed within the given period, the appeal filed by the present applicant / appellant was dismissed in default by the learned Registrar of this Court vide order passed on 3rd of April, 2012.

2. Shri Patil, learned Counsel appearing for the applicant / appellant, submits that the applicant / appellant is ready to remove the office objection within two weeks from today and, therefore, prayed for setting aside the dismissal order and to restore the appeal to its original file.

3. Learned Registrar has dismissed the present appeal for non removal of office objection vide order passed on 3rd of April, 2012. Though the present restoration application was filed within time seeking restoration of the appeal, the same was not circulated for long five years. In the circumstances, while giving opportunity

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to the applicant to remove office objections in the extended period and consequently, to restore the appeal to its original file, it would be wholly unjust and improper to grant such blanket permission. The request of the applicant can only be considered by dis-entitling him from claiming interest of the intervening period from 3.4.2012 to the date of this order i.e. 14.7.2017 on the enhanced amount of compensation, if any. In view of the above, following order is passed:

ORDER

1. On undertaking given on behalf of the applicant to remove office objections within two weeks, the order passed by the learned Registrar dated 3rd April, 2012, is set aside. On removing office objections within the stipulated period, the appeal be restored to its original file failing which the order passed by the Registrar will stand automatically revived.

2. It is clarified that in the event of success in the appeal, the applicant / appellant will not be entitled to claim interest on the enhanced amount of compensation, if any, for the period from 3.4.2012 to 14.7.2017. Copy of the present order be placed along with the papers of the appeal.

Civil Application stands disposed of.

(P.R. BORA, J.)

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agp/-