

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

951 CIVIL APPLICATION NO. 10160 OF 2016
IN FA/81/2014

BAJIRAO KUNDLIK MHETRE, DIED THR. L.RS. MANIK AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Ms. R. M. Mohale h/f. Mr. S. S. Choudhary.
AGP for Respondent No.1,2 : Mr. S. S. Dande.
Advocate for Respondent No.3 : Mr. J. R. Patil h/f. Mr. Gulab Rajale.

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952 CIVIL APPLICATION NO. 10168 OF 2016
IN FA/79/2014

BHAGWAN BAYAJI PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Ms. R. M. Mohale h/f. Mr. S. S. Choudhary.
AGP for Respondents : Mr. A. M. Phule.
Advocate for Respondent No.3 : Mr. J. R. Patil h/f. Mr. Gulab Rajale.

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CORAM : K.K. SONAWANE, J.

DATED : 24TH NOVEMBER, 2017.

Order :-

Heard learned counsel for applicants and learned counsel for respondent No.3- Acquiring Body as well as learned AGP for respondents No. 1 and 2.

2. Perused the applications. It reveals that applicants did not deposit the payment of printing charges / bhatta within stipulated period. Therefore, circumstances constrained the Registrar to dismiss the first appeal for want of prosecution. According to the applicants, the steps were not taken due to the unavoidable circumstances. Now the applicants shown willingness to take the prompt steps for compliance of Order of the Registrar dated 07-10-2014 about payment of printing charges.

3. In view of the nature of subject matter and the reasons mentioned in applications, I find it justifiable to extend one more reasonable opportunity to the applicants to pursue the appeals for substantial justice. Hence, civil applications stand allowed in terms of prayer clause 'B' by condoning the delay caused for filing present applications. The order of dismissal passed by this Court dated 07-10-2014 is hereby set-aside and quashed. The proceedings of appeal bearing No. 81 and 79 of 2014 be restored at it's original stage. The applicants to deposit printing charges as per Order of the learned Registrar within a period of three weeks from restoration of appeal, failure to which said order shall stand vacated automatically without further reference to this Court. The Registry to take note about the same and do the needful for further process.

4. Accordingly, civil applications stand disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.