

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

CIVIL APPLICATION NO. 5303 OF 2016 IN FA/1182/2006

UNION OF INDIA THROUGH DEFENCE MINISTRY
VERSUS
SHAILAJA NANASAHEB YEOLE AND OTHERS

...
Advocate for Applicant : Mr. D. G. Nagode.
Advocate for Respondents No. 1 to 3 : Mr. Sk. M. A. Jahagirdar.

...
CORAM : K.K. SONAWANE, J.

DATED : 24TH NOVEMBER, 2017.

Order :-

Heard learned counsel for applicant and learned counsel for respondents-original claimants. Perused the application.

2. It is contended that due to personal difficulty, learned counsel Mr. N. S. Choudhari failed to appear on the fixed date into the matter, which resulted into dismissal of the same. Learned counsel explained the circumstances in which the matter came to be dismissed for want of prosecution. However, in view of nature of subject matter and the fact that the amount of compensation has already been deposited as well as the same is withdrawn by original claimants, there is no impediment to extend one more opportunity to the appellant to proceed further into the matter for substantial justice. Hence, civil application stands allowed in terms of prayer clause 'B'. The delay caused for filing present application for restoration of appeal is hereby condoned. The order of dismissal of appeal passed by this Court dated 20-01-2014 is hereby set-aside and quashed. The proceedings of appeal be restored at it's original stage. The Registry to take note about the same. The appeal be listed after restoration of appeal for further process in due course.

3. Accordingly, civil application stands disposed of in above terms.

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

rrd.