

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

CIVIL APPLICATION NO. 10838 OF 2014
IN FA/3391/2008

SWARUPCHAND PUNAMCHAND ZABAK DECEASED PER HIS LR
KHUSHALCHAND AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. M. P. Harjule.
AGP for Respondents: Mr. S. S. Dande.
...

CORAM : K.K. SONAWANE, J.

DATED : 29TH NOVEMBER, 2017.

Order :-

Heard learned counsel for applicants and learned AGP for respondent- State of Maharashtra.

2. Perused the application. It reveals that first appeal filed on behalf of applicant came to be dismissed for want of prosecution due to the absence of appellant when the matter was called out for final hearing. The matter pertains to the enhancement of market value of the land under acquisition.

3. In view of nature of subject matter and reasons mentioned in application, there is no impediment to extend one more reasonable opportunity to the applicants to pursue the appeal for substantial justice into the matter. The application deserves to be allowed. Hence, civil application is allowed in terms of prayer clause 'B'. The impugned order of dismissal of appeal dated 21-07-2014 is hereby recalled. The proceedings of First Appeal No. 3391 of 2008 be restored at it's original stage and list the same for final hearing in due course. Accordingly, civil application stands disposed of in above terms.

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

rrd.