

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

CIVIL APPLICATION NO. 8510 OF 2017 IN FA/1478/2014

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
SIRAJ MOHIUDDIN GULAM MUSTAFA KHAN AND

...
Advocate for Applicants : Mr. A. S. Bajaj.

...
CORAM : K.K. SONAWANE, J.
DATED : 29TH NOVEMBER, 2017.

Order :-

Heard learned counsel for applicants. Perused application and relevant documents produced on record. It reveals that proceedings of the appeal filed on behalf of applicant came to be dismissed for non compliance of direction to file paper book within stipulated period.

2. Learned counsel for applicants submits that the paper book is ready and he undertakes to file the same after restoration of the matter. He submits that matter pertains to land acquisition proceedings. Applicants are the Government Agency – Acquiring Body. Due to unavoidable circumstances, the present application could not be preferred within period of limitation. He prayed to allow the application.

3. In view of the reasons mentioned in application, there is no impediment to provide one more reasonable opportunity to the applicants for redressal in the Appellate Forum. Therefore, application deserves to be allowed. Hence, civil application stands allowed in terms of prayer clause 'B' and 'C'. The delay caused for filing present application is hereby condoned. The impugned order of dismissal for non compliance of direction for filing of the paper book dated 04-09-2014 stands recalled. The proceedings of First Appeal No. 1478 of 2014 be restored at it's original stage. The appellant to file private paper book within a week from restoration of the appeal, failure to which, present 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. Accordingly, civil application stands disposed of in above terms.

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