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

973 **CIVIL APPLICATION NO. 8948 OF 2017**
IN RC/711/2014 IN FAST/5268/14

BABU TATYARAO SIRSAT .. Applicant

VERSUS

THE STATE OF MAHARASHTRA
AND ANOTHER .. Respondents

…

Advocate for Applicant : Shri. A.G. Vasmatkar h/f.
Shri. Amit S. Deshpande
AGP for Respondent/ State : Shri. S.G. Karlekar

…

WITH
CA/8949/2017 IN RC/705/2014
WITH
CA/8950/2017 IN RC/709/2014
WITH
CA/8951/2017 IN RC/707/2014

CORAM : P.R. BORA, J.
Dated: July 21, 2017

PER COURT :

. The learned Counsel appearing for the applicant undertakes to remove the office objection within one week. The learned Counsel submits that, the registration of the appeal was refused since the amount of court fee was not paid within the stipulated time.

2. It appears to me that, a blanket permission to remove the office objection may be wholly unjust and improper. Delay of 571

days has occurred in filing the present application seeking restoration of the appeal. In the circumstances, though I am inclined to accept the request of the applicant, I deem it appropriate to disentitle the applicant to claim any interest of the period of 571 days, which has been caused in filing the restoration application. Hence, the order.

ORDER

1. In view of the undertaking given by the learned Counsel for the applicant, the order passed by the learned Registrar on 29.04.2014 is set aside.

2. Appeal on stamp number stands restored to its original file.

3. If the office objection not removed as undertaken by the applicant within one week, order passed by the learned Registrar shall stand automatically revived.

4. It is clarified that in the event the applicant succeeds in the present appeal and accordingly the amount of compensation is enhanced, he shall not be entitled for the interest of 571 days on the enhanced amount of compensation.

5. Keep the copy of the present order in the papers of the appeal.

Civil applications stand disposed of.

(P.R. BORA, J.)

ggp