

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

932 CIVIL APPLICATION NO. 1805 OF 2017
IN FA/101/2002

RATNAMALA MANIK WAGHMARE AND ORS
VERSUS
GANPAT BHAGWANT HALE AND ANR

...
Advocate for Applicants : Mr. Santosh S. Naik
...

CORAM : K.K. SONAWANE, J.

DATED : 28th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants.
2. Perused the application. The applicants preferred appeal for enhancement of the compensation awarded by the Tribunal in vehicular accident. It appears from the record of proceedings that the present matter was listed for hearing, however, on 18th July, 2016 and 10th August, 2016 none present for appellants. Hence, the learned Single Judge of this Court (Coram: P.R. Bora, J.) dismissed the appeal for want of prosecution.
2. The learned counsel for the applicants-appellants submits that there is no fault on the part of the appellants or his counsel but due to some unavoidable circumstances, the appellants as well as their counsel remained absent. The learned counsel for the applicants-appellants undertakes to work out the matter on

next date positively, after restoration of the appeal at its original stage.

3. In view of nature of subject-matter as well as the submissions advanced on behalf of the applicants and for the reasons stated in the application the same deserves to be allowed. Accordingly, application is allowed in terms of prayer clauses "B and C". The delay caused in filing the present application stands condoned. The impugned order dated 10-08-2016 is hereby recalled. The first appeal be restored to its original stage.

4. Accordingly, civil application stands disposed of.

5. List the first appeal for final hearing on 19-12-2017, after restoration of the appeal at its original stage.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK.