

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

CIVIL APPLICATION NO. 10541 OF 2013 IN FA/483/2012

BABURAO NARSING PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. V.V. Ingale h/f. Mr. M. S. Patil.
AGP for Respondent- State : Mr. B.V. Virdhe
...

CORAM : K.K. SONAWANE, J.

DATED : 15TH JANUARY, 2018.

Order :-

Heard learned counsel for applicant and learned AGP for respondents No. 1 and 2. Perused the application and relevant documents produced on record.

2. It appears that appeal filed on behalf of appellant came to be dismissed due to continuous absence on the part of appellant in the proceedings. The matter pertains to the land acquisition proceedings for enhancement of compensation awarded by the Reference Court.

3. In view of nature of subject matter, I find that reasonable opportunity is essential to be granted to the appellant/applicant for substantial justice. Therefore, application stands allowed in terms of prayer clause 'B'. The impugned order of dismissal of appeal passed by this Court dated 17th July, 2013, is hereby set aside and quashed. The Appeal be restored at its original stage. The First Appeal No. 483 of 2012 be listed for further process after compliance of requisite formalities.

4. Accordingly, civil application stands disposed of in above terms. No order as to the costs.

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

rrd.