

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

916 CIVIL APPLICATION NO.2229 OF 2013
IN RC/804/2010

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV. ZP, OBAD
VERSUS

MANIK BHAURAO SALUNKE, DIED THR. L.RS. VENKAT AND ORS

...

Advocate for Applicant : Mr.R.V. Naiknaware

AGP for respondent Nos. 2 & 3 : Mr. S.N. Morampalle.

Advocate for Respondent No. 1 : Mr.Ingale Vivekanand V.

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CORAM : SUNIL K.KOTWAL, J.

DATE : DECEMBER 14, 2018

O R D E R :

Heard learned counsel for applicant, learned counsel for respondent No. 1 and the learned AGP for respondent Nos. 2 and 3.

2. Respondents have no objection for condonation of delay caused in filing the application for restoration of Civil Application No. 11340 of 2008 filed for condonation of delay in filing appeal and for restoration of First Appeal No. 20657 of 2008.

3. Accordingly, Civil Application No. 2229 of

2013 is allowed in terms of prayer clause B and C and R.C. No. 804 of 2010 is restored to its original position.

4. Civil application No. 11340 of 2008 is allowed in terms of prayer clause 'B'. With the consent of learned counsel for both parties, delay of 272 days is condoned. First appeal (St.)20657 of 2008 be registered.

5. Permission is granted to bring the legal heirs of respondent No. 1 on record. Amendment be carried out accordingly.

6. Appeal is admitted.

7. Mr. Ingle, learned counsel waives service of notice for respondent No. 1A after admission.

8. Call R & P.

[**SUNIL K.KOTWAL, J.**]

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