

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.O. NO.1427/2018
AND
M.C.A. STAMP NO.13754/2018
IN
FIRST APPEAL NO.556/2005

Nazir Ahmed Abdul Hamid through L.Rs. Smt. Tasneem Firdos Wd/o Nazir
 Ahmed Abdul Hamid and others

..Vs..

State of Maharashtra, through its Collector, Buldhana

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATE : 3.9.2018.

Shri S.P. Palshikar, learned Advocate for the applicants / appellants submits that papers are taken away by the applicants / appellants alongwith no objection on vakalatnama, on 16th August, 2018 and prays that he be discharged. Vakalatnama of another Advocate is not filed on behalf of the applicants / appellants.

Accepting the explanation given in the applications and considering the facts of the case, delay of 322 days in filing miscellaneous civil application is condoned, order passed by this Court on 10th July, 2017 dismissing the appeal for want of prosecution is recalled, however, the order passed on 10th July, 2017 directing the appellants to pay costs of Rs.10,000/- (Ten Thousand) is maintained. First appeal is restored accordingly. The civil application and miscellaneous

civil application are **allowed**. No costs.

FIRST APPEAL NO.556/2005

Mrs. Mrunal S. Naik, A.G.P. waives notice for the respondent.

As the appeal is of 2005 the office is directed to list the appeal for hearing on **4th October, 2018**.

Shri S.P. Palshikar, Advocate shall send copy of this order to the applicants / appellants by speed post / registered post acknowledgement due and file affidavit of compliance on record within four weeks.

JUDGE

Tambaskar.