

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

**1015 CIVIL APPLICATION NO.3650 OF 2019
IN FA/2771/2016**

**SUBHASH GURPADAPPA HARNALE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

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Advocate for Applicants : Mr. Gunale V.D.
AGP for Respondents/State : Mr. S.P. Deshmukh

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th SEPTEMBER, 2019.

ORDER :

. Present application has been filed for getting the delay of 339 days condoned in filing civil application for recall of order dated 22.02.2018 and to restore the first appeal as against respondent No.2.

2. Heard learned Advocate Mr. V.D. Gunale for applicants and learned AGP for respondent No.1. Respondent No.2, though served, remained absent.

3. It has been contended that the applicants had filed first appeal for enhancement in the compensation granted by the learned reference Court. The order of issuance of notice was passed by this Court in the said

first appeal, but then applicants say that due to inadvertence, copies of the appeal were not given for service to respondent No.2. Thereafter, conditional order was passed by this Court on 22.02.2018 directing applicants to supply the copies within two weeks and it was stated that in case of failure, the proceedings would stand dismissed as against those respondents. The said order has come into effect after the expiry of the said period and the learned Advocate could not locate the matter, the delay has been caused.

4. Since the Advocate is blaming himself for the inadvertence and is ready to supply the copies now, the order passed by this Court on 22.02.2018 is recalled. The applicant to supply the copies of the appeal for service to respondent No.2 on or before 27.09.2019. Subject to this condition, the first appeal is restored. Delay stands condoned.

6. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM