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

**945 CIVIL APPLICATION NO.3439 OF 2019
IN FA/1894/2017**

SANTOSH PANNALALJI KARWA
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicant : Mr. S.J. Rahate
AGP for Respondents : Mr. A.M. Phule
Advocate for Respondent Nos. 2 & 3 : Mr. A.S. Bajaj

...

**CORAM : P.R. BORA, J.
DATED : 07th March, 2019.**

PER COURT:-

1. Heard Shri Rahate, the learned counsel appearing for the applicant and Shri A.S. Bajaj, the learned counsel appearing for respondent nos. 2 and 3 and Shri Phule, the learned AGP appearing for respondent-State.

2. The present appeal was dismissed vide order passed by the learned Registrar on 17.04.2018 on the ground that printing charges were not paid by the appellant within time. The learned counsel submits that it was the mistake on his part that inadvertently the charges were not deposited within the stipulated period. It is further brought to my notice that now there is no such requirement for paying print charges as the print is being dispensed with.

(2)

3. Shri A.S. Bajaj has tendered across the bar the affidavit in reply on behalf of respondent nos. 2 and 3. The same is taken on record. The said respondents have opposed for condoning the delay stating that the delay caused is intentional and the applicant any how wants to protract the matter and is not interested in going ahead with the matter.

4. After having considered the submissions made by the learned counsel appearing for the respective parties, it appears to me that the delay which has been caused cannot be said to be intentional. Moreover, the reasons for which the appeal was dismissed in default no more survives now. Matter is required to be decided on merits. In the circumstances, I deem it appropriate to restore the present appeal and allow the present application. Hence, the following order:

ORDER

- i) The application is allowed.
- ii) First Appeal No.1894 of 2017 stands restored to its original file.
- iii) List the appeal for final disposal on 28.03.2019.

(P.R. BORA, J.)