

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

906 CIVIL APPLICATION NO.6643 OF 2017
IN RC/870/2012

DATTU MARUTI JADHAV (DIED) THROUGH L.RS. VIJAYKUMAR DATTU
JADHAV AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THR. ADDITIONAL SECRETARY
(APPEALS) REVENUE AND FOREST DEPARTMENT AND OTHERS

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Advocate for Applicants : Mr. S. B. Bhapkar.

AGP for Respondent Nos.1 & 3 to 5 : Mr. M. M. Nerlikar.

Advocate for Respondent No.2 : Mr. V. M. Humbe.

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CORAM : **T. V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

DATE : 22nd February, 2019.

P.C.:

. The application is filed for condonation of delay of 1618 days caused in filing the application for restoration of the proceeding, which was dismissed for default. The Applicants had filed proceeding like letters patent appeal, but the office objections were not removed and so the proceeding is dismissed for default. The learned counsel for Applicants / Appellants is taking blame to himself for not removing the office objections in time. The other side counsel strongly opposed the application by submitting that no sufficient cause is shown. He also submitted that his client is unnecessarily made to spend on this additional proceeding. As nothing could have been achieved by the

Applicants by not removing the office objections in time and as the matter was initially decided in his favour and the said decision is set aside by the Honourable Minister, this Court holds that for giving opportunity to the Appellants, the present proceeding needs to be allowed. Sufficient cause is shown. So the application is allowed. Delay is condoned subject to payment of costs of Rs.5,000/- by the Applicants to the Respondent. The cost amount is to be deposited in this Court within 14 days from today. If amount is not deposited, the proceeding shall stand dismissed automatically. Office objections, if any, are to be removed within 7 days after deposit of the cost amount.

[SUNIL K. KOTWAL, J.]

[T. V. NALAWADE, J.]

ndm