

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

**956 CIVIL APPLICATION NO.12757 OF 2017
IN FA/2761/2013**

SAKHARAM BAPU CHAVAN (DIED) THR. LEGAL HEIRS RAMHARI
SAKHARAM CHAVAN

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Shri D.A.Bide h/f. Shri C.K. Sonawane
AGP for Respondent – State : Shri S.J.Salgare
...

CORAM : P.R.BORA, J.

DATE: 6th February, 2019

PER COURT:-

1 Heard learned Counsel for the applicant. The learned Counsel submitted that the connected appeals arising out of the impugned common Judgment and award are admitted. The learned Counsel submitted that present appeal was also admitted, however, it came to be dismissed for non-filing of the paper-book by the present applicant - appellant within given period. The learned Counsel, in the circumstances, has prayed for restoring the appeal to its original file by condoning the delay, which has occasioned in filing the present application.

2 Shri S.J.Salgare, learned AGP appearing for the State has opposed the request so made. The learned AGP submitted that if this Court inclines to restore the appeal, the appellant would not be made entitled for the interest of the period, which has been exhausted merely because of inaction on his part.

3 In view of submissions made, the following order is passed:-

ORDER

I) The applicant is permitted to place on record the paper-book within two weeks from the date of this order.

II) First Appeal No.2761 of 2013 stands restored to its original file.

III) It is clarified that in the event of his success in the appeal, the appellant - claimant shall not be entitled for the interest of the period of delay i.e. 1097 days.

IV) Copy of the present order be placed in papers of appeal.

V) Civil Application No.12757 of 2017 stands disposed of.

VI) Present appeal be heard alongwith First Appeal Nos.2893 of 2013, 2894 of 2013, 2895 of 2013, 2896 of 2013, 13 of 2014 and 1166 of 2017.

(P.R.BORA)
JUDGE