

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

6 SECOND APPEAL NO.483 OF 2019

**THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
M/S. BALAJI CONSTRUCTION THRO.
PROPRIETOR-BABA M. MOHITE**

.....
Mr. A.P.Basarkar, A.G.P. for Appellants.
Mr. V.V.Manale, Advocate for Respondent.

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CORAM : V.L.ACHLIYA, J.
DATE : 02/12/2019

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For the reasons to be recorded separately, the following order is passed.

OPRATIVE ORDER

- [i] The Appeal is allowed. Parties to bear their respective cost.
- [ii] The impugned order dated 04/08/2018 passed in Civil Misc. Application No. 34/2016 [The State of Maharashtra and Others Vs. M/s Balaji Construction] by District Judge-3, Sangamner, District Ahmednagar is set aside.
- [iii] The Civil Misc. Application No. 34/2016 is allowed. Delay caused in filing Appeal is condoned. The Appeal be registered.
- [iv] The appellants and respondent are directed to appear before the first Appellate Court on 06/01/2020. On appearance of parties, the First Appellate Court is directed to fix the date for final hearing of Appeal and then decide the

Appeal as expeditiously as possible and preferably within 8 weeks from the date of appearance of parties.

- [v] The amount of Rs. 5,47,401/- deposited by appellant pursuant to the Order dated 25/09/2019 shall be subject to out-come of decision in Appeal by First Appellate Court.
- [vi] Decree be drawn accordingly.

[V.L.ACHLIYA]
JUDGE

KNP