

Tikam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION No. 444 OF 2019
IN
APPEAL FROM ORDER No. 585 OF 2016

Chandrakant Anand Suryawanshi ...Applicant
Vs.
MBR & DA through its Executive Engineer ...Respondent

Mr. Vinay Bhorge for Applicant

CORAM : SHRI K.K. TATED, J.

DATE : APRIL 24, 2019

P.C.:

1. Not on Board. At the request of learned counsel for the Applicant, matter is taken on board.
2. Heard the learned counsel Mr. Vinay Bhorge for the Applicant.
3. By this civil application , the Applicant is seeking to recall the order dated 21st June, 2016 passed by this Court by which the civil application No. 791 of 2005 as well as appeal from order stands dismissed for non-prosecution.
4. It is to be noted that in the present proceeding, no one appeared on behalf of the Applicant on 15th June, 2015 when this court granted rule in Civil Application No. 791 of 2015. Again on 21st June, 2016, no one appeared on behalf of the Applicant.
5. The present civil application filed by the Applicant on 15th April, 2019 for restoration of Appeal from Order by condoning the delay of 997 days.
6. Learned counsel for Applicant submits that the Applicant was out of town, hence, it remained on his part to take appropriate steps.
7. Considering the submissions and reasons disclosed in the civil

application, I do not find any sufficient cause made out to entertain this civil application for condoning 997 days' delay.

8. Hence, civil application stands dismissed.

[K.K. TATED, J.]

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