

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

CIVIL APPLICATION NO.1565 OF 2016

IN

FIRST APPEAL (ST.) NO.20602 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Tushar Sonawane for the Applicant

CORAM : K. K. TATED, J

DATE : SEPTEMBER 11, 2019

P.C.:

. Heard.

2 Office note shows that Civil Application stands dismissed against Respondent no.1 as abated by order dated 17.3.2017.

3 On last occasion, matter was adjourned on the request of the advocate for appellant to take appropriate steps for restoration of Civil Application against Respondent no.1 and bringing legal heirs on record.

4 The learned counsel for the Applicant submits that he received instructions from his client to delete name of Respondent no.1 from the cause title of Civil Application as well as

First Appeal and pending Civil Applications.

5 Considering these facts, Applicant is permitted to delete name of Respondent no.1 from the cause title of Civil Application as well as First Appeal.

6 Amendment be carried out during the course of the day.

7 By this Civil Application, Applicant is seeking condonation of 323 days delay, in filing First Appeal, challenging the judgment and award dated 27.5.2014 passed by MACT, Nashik in MACP No.712 of 2010.

8 Considering the submissions made by the learned counsel for the Applicant and the averments made in Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

- a. Applicant is permitted to delete name of Respondent no.1 from the cause title of Civil Application as well as pending First Appeal during the course of the day.
- b. Delay in filing First Appeal is condoned.
- c. Civil Application is allowed to that effect.
- d. No order as to costs.

(K.K.TATED, J.)