

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

**969 CIVIL APPLICATION NO.1694 OF 2020
IN FIRST APPEAL NO.1885 OF 2012**

MADHAVRAO DHONDIBA KSHATRIYA
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Appellant : Mr.G.N.Chincholkar
AGP for Respondents No.1 & 2 : Mr.S.N.Morampalle
Advocate for Respondent No.3 : Ms.Sunita Shelke

...
CORAM : K.K.SONAWANE, J.

DATE: 12th February, 2020

PER COURT:-

1. Heard learned counsel for the applicant.
2. Learned counsel for the applicant submits that in view of order passed by the learned Registrar (Judicial) dated 21.08.2012, name of respondent No.3-Acquiring Body has been deleted from the title clause of the appeal memo. He submits that respondent No.3-Acquiring Body is essential party in this case. Therefore, the impugned order passed by the learned Registrar (Judicial) is required to be recalled for restoration of First Appeal No.1885 of 2012 against respondent No.3-Acquiring Body.
3. In view of aforesaid submission, issue notice to the respondents, returnable on 02.04.2020. Learned AGP waves service of notice for respondents No.1 and 2, whereas Ms.Sunita Shelke, learned counsel waives service of notice for respondent No.3-Acquiring Body.

4. Learned counsel for respondent No.3-Acquiring body has no any objection to restore First Appeal 1885 of 2012 against respondent No.3.

5. In view of nature of the subject matter and for the reasons mentioned in the application, the impugned order passed by the learned Registrar (Judicial) dated 21.08.2012 is hereby recalled. Delay caused in filing the present application is condoned. The proceeding of First Appeal No.1885 of 2012 filed against respondent No.3-Acquiring Body be restored at its original stage. Application stands disposed of. Registry to take requisite steps for further process.

6. On restoration of First Appeal No.1885 of 2012, issue notice to respondent No.3. Ms.Sunita Shelke, learned counsel waives service of notice for respondent No.3-Acquiring Body.

7. List the present appeal accompanied with other connected appeals for further process in due course.

(K.K.SONAWANE)
JUDGE

SPT