

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

937 CIVIL APPLICATION NO.3036 OF 2020
IN FA/399/2005

GUNDOPANT BABACHARYA JOSHI AND ANR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. S.A. Wakure h/f Mr Mahesh S. Patil
AGP for Respondent: Mr. S.N. Morampalle

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

DATED : 05th MARCH, 2020.

ORDER :-

1. Heard learned counsel for the appearing parties.
2. Perused the application and impugned order of dismissal of the proceeding passed by this Court dated 12-02-2018.
3. In view of reasons mentioned in the application, there is no impediment to grant one more opportunity to applicant for finality of proceeding of First Appeal on merit. Definitely, it would sub-serve the purpose for substantial justice. Hence, application stands allowed in terms of prayer clauses "B" and "C". Delay caused in filing the present application stands condoned. The proceeding of First Appeal No. 399 of 2005 be restored at its original stage. After compliance of procedural formalities, list the First Appeal No. 399 of 2005 for final hearing in due course.
4. Accordingly, present civil application stands disposed of.

Sd/-

**[K. K. SONAWANE]
JUDGE**