

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

941 CIVIL APPLICATION NO. 3064 OF 2020
IN CIVIL APPLICATION NO. 15997 OF 2013 IN RC/1338/2019

EXECUTIVE ENGINEER, MEDIUM PROJECT, OMERGA
VERSUS
BALBHIM GOVIND JADHAV AND OTHERS

...
Advocate for Applicant : Smt. Sunita Dasharath Shelke
Advocate for Respondent No. 1 : Mr. R. V. Naikaware
AGP for Respondents No.2 and 3 : Mr. S.N. Morampalle

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

DATED : 05th MARCH, 2020.

ORDER :-

1. Heard learned counsel for appearing parties. Perused the application and impugned order passed by this Court dated 25-07-2019. The applicant-Acquiring Body did not take steps for bringing L.Rs. of deceased respondent on record within stipulated period, which resulted into dismissal of the proceedings.

2. Learned counsel for the applicant-Acquiring Body undertakes to take steps for bringing L.Rs of deceased respondent on record within two weeks, in case, proceedings is allowed to be restored to its original stage.

3. In view of nature of subject-matter, there is no impediment to grant one more opportunity to the applicant - Acquiring Body for compliance of procedural formalities in the in the interest of justice. Hence, application stands allowed in terms of prayer clauses "A", "B" and "C". The delay caused in filing the present application stands condoned. Proceeding of Civil Application No. 15997 of 2013 in First Appeal Stamp No. 30429 of 2013 is ordered to be restored to its original stage. After restoration of the aforesaid proceeding applicant-Acquiring Body shall take steps for bringing L.Rs. of deceased respondent on record within two weeks. In case, the applicant fails to take requisite steps the present order shall stand vacated automatically

without further reference to the Court. If applicant has taken steps within stipulated period for bringing L.Rs. of deceased respondent place the matter before appropriate Bench after one week thereafter for requisite orders.

4. The proceeding has already been restored, therefore, the office to accept the cheque if presented by the learned counsel for applicant-Acquiring Body.

5. Present Civil Application stands disposed of.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK