

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

CIVIL APPLICATION NO.2921 OF 2020 IN FA/2197/2019

THE G.M.I.D.C., THR THE EX. ENGINEER, MINOR IRRIGATION DIV. JALNA
VERSUS
BHAGWA NARAYANRAO AMBHURE AND OTHERS

...
Advocate for Applicant : Mr. Hiraji T. Gaikwad
Advocate for Respondent No.1 : Mr. V. D. Bhise
AGP for Respondents No.2 and 3 : Mr. S. N. Morampalle

...
CORAM : K.K. SONAWANE, J.
DATED : 04th MARCH, 2020.

ORDER :-

Heard learned counsel for applicant-Acquiring Body and learned AGP for respondents No.1 and 2. Perused the application and other relevant documents placed on record.

2. It has been submitted that this Court, under Order dated 12th December, 2019, directed to carry out requisite amendment within a period of four weeks, failure to which, the proceeding of appeal stands dismissed automatically without further reference to this Court. Learned counsel for the applicant fervidly contends that inadvertently amendment could not be carried out for want of instructions from the concerned Department within stipulated period. Now, he has received necessary information to carry out the amendment. He undertakes to carry out amendment within a period of two weeks in case proceeding of appeal allowed to be restored at its original stage. He prayed to restore the appeal.

3. In view of reasons mentioned in the application and submissions advanced at bar on behalf of applicant-Acquiring Body, there is no impediment to grant one more opportunity to applicant-Acquiring Body for substantial justice into the matter. Hence, the Civil Application deserves to be allowed.

4. Accordingly, the Civil Application stands allowed in terms of prayer clause 'B'. The delay for filing present application is hereby condoned. The impugned order of dismissal of proceeding of FA/2197/2019, dated 12-12-2019, is hereby set aside and quashed. The proceeding of First Appeal No. 2197 of 2019 be restored at its original stage subject to condition that the applicant-appellant Acquiring Body shall carry out amendment within a period of two weeks after its restoration at its original stage.

5. The Civil Application stands disposed of in above terms.

Sd./-
[K. K. SONAWANE]
JUDGE