

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

CIVIL APPLICATION NO.289 OF 2019
IN RC/1293/2013 IN CA/14380/2010 IN FAST/29096/2010

JAGANNATH AMBU GORE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. D. A. Bide h/f. Mr. Vitthal B. Wayal
AGP for Respondent No.1 : Mr. S. P. Tiwari
Advocate for Respondent No.2 : Mr. M. C. Swami

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

ORDER :-

Heard learned counsel for the applicant and learned AGP for respondent No.1 State of Maharashtra. Perused the application and the impugned order passed by Co-ordinate Bench of this Court dated 7th May, 2013.

2. The applicant preferred proceeding of Civil Application No. 14380 of 2010 in FAST/29096/2010. But, due to continuous absence on the part of applicant-original appellant (claimant), this Court was constrained to dismiss the proceeding for want of prosecution.

3. In view of nature of the subject matter and the reasons mentioned in the application, I find that the reasonable opportunity is required to be granted to the applicant-original appellant/claimant to pursue the matter before the Appellate Forum for redressal. Hence, the impugned order deserves to be set aside and quashed. Accordingly, Civil Application stands allowed in terms of prayer clause 'B' and 'C'. The delay caused for filing present application is hereby condoned. The impugned order passed by this Court dated 07-05-2013, is hereby recalled. The proceeding of Civil Application No. 14380 of 2010 in FAST/29096/2010 be restored at its original stage.

4. The Civil Application stands disposed of in the above terms.

Sd./-

[K. K. SONAWANE]
JUDGE