

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

946 CIVIL APPLICATION NO.15238 OF 2019  
IN RC/1360/2019 WITH CA/2257/2019 IN RC/1360/2019

THE EX. ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD THR SUB  
DIV. ENGINEER AND  
VERSUS  
WAMAN SUKHDEO MANE

...  
Advocate for Applicants : Mr. Shyam C Arora

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

**DATE : 29th JANUARY, 2020.**

**PER COURT:**

Heard learned counsel for applicant Acquiring Body. Perused the application and impugned order passed by this court dated 23.8.2019. The applicant Acquiring Body was directed to take steps for bringing Lrs of deceased respondent on record on or before 20.9.2019 with a condition that in case steps are not taken, the application for condonation of delay shall stand dismissed automatically without reference to this court. Unfortunately, the applicant Acquiring Body did not take any steps, which resulted into dismissal of C.A./ No. 2256 of 2019 in First Appeal Stamp No. 930 of 2019.

The learned counsel Shri Arora, appearing for the acquiring Body fervidly contends that inadvertently, steps could not be taken and now, he undertakes to take steps within a period of three weeks in case the proceeding is restored at its original stae.

In view of submission made by Shri Arora, there is no impediment to grant one more opportunity to the Acquiring Body for

substantial justice into the matter. Hence, the application is allowed. The impugned order is recalled. The matter be restored to its original stage. The Acquiring Body shall take steps for bringing Lrs of deceased respondent within a period of two weeks, after its restoration. In case of failure to take steps, the present order shall stand automatically vacated without further reference Court. If steps are taken within stipulated period, issue notice to respondents returnable after four weeks thereafter.

Civil application is accordingly disposed of.

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

Grt/-.