

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

**904 CIVIL APPLICATION NO.957 OF 2012
IN RC/1107/2011**

**THE PARBHANI DISTRICT CENTRAL CO OP BANK LTD THROUGH GEN MANAGER
VERSUS
KALPANA SURESH DARBESWAR AND ORS**

None for the parties.

**CORAM : ANIL L. PANSARE, J.
DATED : 15.07.2022**

PC :-

01. None present for the applicant. The First Appeal was filed in the year 2011 along with Civil Application for condonation of delay challenging the judgment and award dated 29.09.2008, passed by the Civil Judge, Senior Division, Parbhani and Ex-Officio Commissioner for Workmen's Compensation, in First Appeal No.13 of 2007. The First Appeal St. No.7428 of 2011 along with Civil Application No.4214 of 2011 seeking condonation of delay was on Board on 26.07.2011. The Counsel for the applicant was not present, as his father was admitted in the hospital and was in serious condition. On that day, this Court was pleased to issue notice to the respondents and was made returnable on 23.08.2011. It is case of the applicant that the Counsel for the applicant was unaware of the order passed on 26.07.2011. Since the notice was issued to the respondents, Bhatta was required to be paid along with copies within 14 days. However, the Advocate for the applicant failed to pay Bhatta within the stipulated time. The application was again placed on Board on 24.08.2011. A conditional order came to be passed that Bhatta should be

paid within a period of two weeks, failing which the matter will be dismissed. The Counsel for the applicant was not present in the Court as his father passed away on 15.08.2011. Since the Bhatta was not paid within the stipulated time, the First Appeal came to be dismissed and has been registered as rejected Case No.1107 of 2011. With the aforesaid set of facts, present Civil Application for restoration of appeal along with Civil Application seeking condonation of delay has been filed and is on Board today.

02. Today also none present for the applicant. It appears that the applicant is not interested in prosecuting the application and appeal. Therefore, present Civil Application is dismissed for want of prosecution.

[ANIL L. PANSARE,J.]