

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPLICATION NO. 32 OF 2021**  
**IN**  
**REJECTED CASE NO.156 OF 2018**

Maharashtra State Road Transport .. Applicant.  
Corporation

Versus

Smt.Pramila Tukaram Sonawane and .. Respondents  
ors

...

Ms.Sonali Pawar i/b Yashodeep P. Deshmukh for the applicant  
Mr. Pritesh K. Bohade for the respondents.

**CORAM: BHARATI DANGRE, J.**

**DATED : 25<sup>th</sup> APRIL, 2022**

**P.C:-**

1           On a notice being issue, the respondents are represented through learned counsel Shri Pritesh Bohade.

2           By the present application, the appellant seek restoration of the Appeal which was dismissed on account of the dismissal of the Civil Application No.398/2017 seeking condonation of delay on failure to remove the office objection.

3           Heard learned counsel for the applicant and learned counsel for the respondent.

5           On 8/11/2017, the Registrar Judicial-II passed a conditional order directing the office objection to be removed on listing of the Civil Application. Since there was no compliance, the Civil Application was dismissed.

6           In bringing the Application, there is a delay of 235 days and on hearing the learned counsel for the applicant, and on perusal of the application, and specifically paragraph no.3, it offer an explanation as well as the factum of non-removal of the office objection.

7           It is specifically stated that on the Appeal being filed, the stay application was granted by order dated 8/11/2017, subject to the deposit of the entire amount of compensation which was accordingly deposited. The counsel for the applicant submit that there is a good case on merits and even the Appeal is now ready for final hearing. Since the amount is already deposited, in the wake of the dismissal of the Appeal, the order for stay also stood vacated and the respondent claimants are desirous of proceeding with the execution, which would make the Appeal infructuous.

          In the wake of above, Civil Application No.32/2021 is allowed by setting aside the dismissal of the Civil Application. Necessarily, Civil Application is restored and shall be heard on merits, for condoning the delay in filing the First Appeal.

During the pendency of the proceedings, since the amount is already deposited in the Court, there shall be stay to the effect and operation of the impugned judgment.

The appellant is directed to file private paper book within a period of eight weeks from today and make a request for expeditious hearing of the Appeal.

The claimants are also at liberty to take out an application for withdrawal of the amount.

**( SMT. BHARATI DANGRE, J.)**