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

CIVIL APPLICATION NO.2629 OF 2022

IN

CIVIL APPLICATION NO. 152 OF 2018

IN

SECOND APPEAL (STAMP) NO. 5306 OF 2017

WITH

CIVIL APPLICATION NO. 3107 OF 2017

IN

SECOND APPEAL NO. 48 OF 2015

Mohan Anandrao Deshmukh ... Applicant

Versus

The Commissioner, Aurangabad

and others

... Respondents

...

Mr. A.B. Chormal h/f Mr. V.R. Patil – Advocate for applicant in Civil Application No.2629 of 2022 and for respondent no.1 in Civil Application No. 3107 of 2017

Mr.A.P. Bhandari – Advocate for applicant no.3107 of 2017 and for respondent no.1 in Civil Application No.2629 of 2022.

Mr. S.B. Pulkundwar – AGP for respondent no.1/State.

...

CORAM : GAURI GODSE, J.

DATE : 13th January, 2023

PER COURT :

Civil Application No. 3107 of 2017 :

1. This application is for restoration of second appeal no. 48 of 2015 and civil application no. 1931 of 2015, which was dismissed as per order dated 21st December, 2016. This

application is within time.

2. For the reasons stated in the application, the application is allowed in terms of prayer clause “B”, which reads thus :-
“B) Second Appeal No.48/2015 and Civil Application No.1931/2015 be restored to its original position and may kindly be heard on its own merit.”
3. The civil application is disposed of.

Civil Application No.2629 of 2022 :

1. This application is filed for restoration of application for condonation of delay, which was dismissed in default by order dated 4th December, 2021. All respondents are represented. There is no objection for allowing the application. Delay in filing the civil application is condoned. The application is allowed in terms of prayer clauses “B”, which read thus :

“B) To quash and set aside dismissal order dated 04.12.2021 thereby, direct the Registry to restore appeal to its original position by condoning delay if any for filing present civil application and for that purpose issue necessary orders.

2. Civil application is disposed of.

[GAURI GODSE]
JUDGE