

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 CIVIL APPLICATION NO.3935 OF 2021
IN FAST/18505/2016

THE EXECUTIVE ENGINEER, VISHNUPURI PROJECT, DIV. NO.1,
NANDED AND ORS
VERSUS
KHAJA HUSSAIN SHAHA (DIED) THR LRS KHASIMBI AND OTHERS

Ms.R.D. Reddy, advocate for the applicants.

CORAM : KISHORE C. SANT, J.
DATED : 07.12.2023

PC :-

01. This application is filed seeking restoration of delay condonation application and First Appeal St. No. 18505 of 2016 and other interim applications.

02. This Court by order dated 16.12.2020 had dismissed the matter for not taking steps in the appeal as the respondents were not served and as no attempts were made to serve respondents. After notices were returned unserved with endorsement that the respondent is no more alive, the matter is abated and also dismissed for want of steps. It is stated in application that there was no intention for not prosecuting the matter. The officers could not get details of legal heirs and it is for that reason they could not take prompt steps. Now

they have also brought on record heirship certificate showing heirs of deceased claimant issued by Talathi. Prayer is thus made for restoration and also for condonation of delay to bring on record legal representatives of the claimant/respondent.

03. For the reasons recorded in the application, the application stands allowed. The matter stands restored to its original position along with First Appeal St. No. 18505 of 2016 and other interim applications. Delay of 2741 days is also condoned. The applicant to take steps to correct title clause within two weeks from today. Place the application for condonation of delay on board dated 21.12.2023.

[KISHORE C. SANT, J.]