

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 CIVIL APPLICATION NO.12657 OF 2022
IN FAST/25555/2019

THE EX. ENGINEER, OSMANABAD MINOR IRRIGATION
DIVISION, OSMANABAD AND ORS
VERSUS

MAHARUDRA VISHWANATH KARBHARI (DIED) THR LRS
SHAMALBAI AND ANR
AND

CIVIL APPLICATION NO.12659 OF 2022
THE EXH. ENGINEER, OSMANABAD MINOR IRRIGATION
DIVISION, OSMANABAD AND OTHERS

VS
GOVIND SAHADEO CHIWARE
AND

18 CIVIL APPLICATION NO.12658 OF 2022
IN FAST/26217/2019

THE EX. ENGINEER, OSMANABAD MINOR IRRIGATION
DIVISION, OSMANABAD AND ORS
VERSUS

TUKARAM LAXMAN SARWADE AND ORS
AND

19 CIVIL APPLICATION NO.12660 OF 2022
IN FAST/26230/2019

THE EX. ENGINEER, OSMANABAD MINOR IRRIGATION
DIVISION, OSMANABAD AND ORS
VERSUS

RATAN DEORAO RATHOD (DIED) THR LRS SHANTABAI AND
ORS

Mr. S. G. Karlekar, Advocate for the applicant
Mr. Akash E. Madne, Advocate h/f Mr. A. B. Kale, Advocate for
the respondent

CORAM : KISHORE C. SANT, J.

DATE : 12th SEPTEMBER, 2023

P. C.

1. Since all the appeals are arising out of the common judgment, common order is passed.

2. Civil application No. 12659/2022 is not on board and same is taken on board.

3. These applications are filed for restoration of the respective appeals.

4. Registration of the appeals was refused in view of the conditional order passed by the learned Registrar (Judicial) of this court dated 16-11-2021. Since the objections could not be removed within two weeks, the registration came to be refused.

5. Learned advocate for the applicants submits that due to inadvertence those matters were not marked on the board

and therefore, order could not be noticed. However, by the time, refusal came to be notice of the advocate for the applicants and the parties. There was delay of 166 days.

6. Looking to the reasons and since the registration was refused before issuing notices to the other side, this court finds that the applications deserve to be allowed by condoning the delay. Hence, the following order.

ORDER

- a] The applications stand allowed.
- b] The delay stands condoned.
- c] The appeals stand restored to its original position subject to removal of office objections within six weeks from today.

[KISHORE C. SANT, J.]