

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

**911 CIVIL APPLICATION NO.2562 OF 2023
IN FA/330/1998**

**PRAKASH AVADAJI SHINDE
VERSUS
M.S.R.T.C., BOMBAY AND ANR**

...

**Advocate for Applicant : Mr. Garud N.C.
Advocate for Respondent No.1 : Mr. M. K. Goyanka
Advocate for Respondent No.2 : Mr. R. A. Tambe**

...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 28.02.2023

PER COURT :

Heard rival submissions. The applicant is seeking recalling of order dated 24.07.2014 by which his First appeal No. 330/1998 was dismissed for default. There is also huge delay of 2978 days. The learned counsel undertakes to argue the appeal finally as and when it is restored. The learned counsel for the MSRTC strongly opposed the application and prayed for stoppage of interest for the aforesaid period of delay. However, certain cost needs to be imposed upon the applicant for his negligent conduct.

2. In view of the same, the application stands allowed in terms of prayer clause 'B' subject to deposit cost of Rs. 5000/- to be paid to the Advocate Associations' Bar Library, High Court, Aurangabad within

four weeks. The applicant shall not claim any interest for the delay of 2978 days on the enhanced compensation, if granted.

3. The applicant is also permitted to reconstruct the destroyed parts.

4. Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

.....

shp/-