

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 CIVIL APPLICATION NO.297 OF 2019
IN RC/566/2018 IN FIRST APPEAL ST. NO. 29000 OF 2016

DNYANESHWAR ASARAM SURASE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Dattatraya R. Jayabhar
AGP for Respondents – State : Mr. S. P. Tiwari
Advocate for Respondent No.3 : Mr. Krishna Rodge h/f.
Mr. P. G. Rodge
...

CORAM : KISHORE C. SANT, J.

DATE : 25.09.2023

PER COURT :-

1. Heard.
2. This application is for restoration of First Appeal and it was dismissed for non-complying with the orders dated 21.08.2017 and dated 15.12.2017 describing the applicant deceased Dnyaneshwar is filed undertaking to the effect that he shall not claim the interest and statutory claim for the period of delay that was caused in filing the First Appeal. This application is now filed by his heirs. In the application it is stated that as the deceased was not keeping well and therefore he could not file an undertaking within time. Now the applicants are ready to file an undertaking as directed by this Court vide order dated 21.08.2017.

3. In view of the same, the application stands allowed subject to condition that the applicants would file an undertaking within four weeks from today. If no undertaking is filed within four weeks as indicated above, the application shall stand dismissed without further reference to the Court.

4. If the undertaking is filed, the office to register the First Appeal.

(KISHORE C. SANT)
JUDGE

shp/-