



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

**950 CIVIL APPLICATION NO. 10018 OF 2023
IN RC/1499/2010**

Muktabai Rangnath Ghodake
VERSUS
Shahaji Shripatrao Sawant And Ors

...
Advocate for Applicant : Mr. Humbe Vilas M.
Advocate for Respondent No.2 : Mr. R.A.Deshmukh h/f Mr. S. V. Deshmukh
Advocate for Respondent No.3 : Mr. V. N. Upadhye
...

CORAM : ARUN R. PEDNEKER, J.

Dated : August 30, 2024

PER COURT :-

1. Heard the learned counsel for the applicant. The application is filed for the restoration of the first appeal by setting aside the order dated 10/08/2010 passed by the Registrar of this Court. There is a substantial delay of 4572 days in filing the application for restoration.
2. The learned counsel for the applicant submits that the Registrar dismissed the appeal because the objections were not removed. It is contended that the applicant is a poor lady and, therefore, unable to pay the court fees as required. Due to an accident involving Tractor bearing No. MH-25/6209, she suffered 90% permanent injury. The applicant also filed an application as an indigent person, but it was rejected on 01/02/2010. Consequently, she could not arrange for or deposit the court fees. It is further stated that, due to her 90% permanent disability, she is unable to perform the labor work she did prior to the accident and is now suffering from starvation.
3. The learned counsel for the applicant further submitted that by

doing labor work, the applicant has saved some money and is now ready to deposit the court fees as required. Considering the circumstances of the accident, a prayer is made to restore the first appeal by condoning the delay of 4550 days in filing the application for restoration.

4. The learned counsel for the applicant has also stated that if the appeal is restored, he will not claim interest for the delayed period. Taking the facts into consideration, the application is allowed. The appeal is restored on the condition that the petitioner will not be entitled to 50% interest for the delayed period if she succeeds in the first appeal.

5. The office to accept the papers in the first appeal. All further compliance must be completed within four weeks.

(ARUN R. PEDNEKER, J.)

vj gawade/-.