



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

**SECOND APPEAL NO. 835 OF 2013
WITH
CIVIL APPLICATION NO. 1275 OF 2013**

**UNION OF INDIA AND ORS
VERSUS
RAMKISAN CHIIHAHAL YADAV**

....

....

CORAM : Y. G. KHOBRAGADE, J.

DATE : 28 MARCH 2024

PER COURT :-

1. None appeared for the appellants.
2. On face of record, it appears that vide order dated 19.10.2013 passed in Civil Application No.1274 of 2013, the delay of 51 days while filing of appeal against the judgment and order dated 22.03.2012 passed by the first appellate Court in R.C.A. No.59 of 2013, confirming the judgment and decree dated 21.10.2002 passed by the learned Joint civil Judge, Junior Division, Bhusawal, in R.C.S. No.21 of 1993, has been condoned.

3. The suit of the respondent/plaintiff has been decreed and the order of removal from service of the respondent/plaintiff declared null and void.

4. The respondent/plaintiff, the employee of Railway Department, appears to be retired on attaining the age of superannuation and have received all retiral benefits. Therefore, the appellants Railway Department/defendants, may not be interested while prosecuting the appeal.

5. In view of above, no option is left with this Court to dismiss the appeal for want of prosecution.

6. Accordingly, the Second Appeal as well as Civil Application No. 1275 of 2013, are dismissed for want of prosecution. No order as to costs.

[Y. G. KHOBRADE, J.]

SMS