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

921 CIVIL APPLICATION NO. 8763 OF 2022 IN FAST/8050/2022

The Ex. Engineer, Medium Project Div. Osmanabad
Through M.K.V.D.C.,
VERSUS
Gorakhnath Khema Rathod And Others

.....

Mr. Sudhir G. Bhalerao, Advocate for Applicant
Mr. N.D. Batule, AGP for Respondents No.2 and 3

.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 07 AUGUST, 2025

PER COURT :-

1. In spite of service, none appears for Respondent No.1 to answer the application for condonation of delay. Learned counsel for the applicant was heard on the last occasion, and the matter was adjourned for the say of Respondent No.1. Today also, the matter was called out twice during the morning session, but none appeared for Respondent No.1. Therefore, in spite of service, when there is no response, the matter is taken up for decision on merits.

2. Having considered the contentions raised in the application and in the interest of justice, the delay of 910 days in filing the appeal deserves to be condoned. Accordingly, the following order is passed :-

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ORDER

(I) Civil Application is allowed. Delay caused in preferring the first appeal is condoned.

(II) Appeal be registered.

(II) Civil Application is disposed of accordingly.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane