



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

CIVIL APPLICATION NO. 2901 OF 2025

IN

FIRST APPEAL STAMP NO. 27816 OF 2013

**THE EXE. ENGINEER MINOR IRRIGATION DIV,
OSMANABAD AND ORS**

VERSUS

BHANUDAS GOVIND BHADARE

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Advocate for Applicants : Mrs. Biradar Meera T.

Advocate for Respondent : Mr. Pravin B. Rakhunde

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CORAM : SHAILESH P. BRAHME, J.

DATE : 27th MARCH 2025

PER COURT :

1. The Applicants are praying condonation of delay of 1747 days in filing Application for restoration of First Appeal which was dismissed for default in pursuance of order dated 05.06.2018. The grounds for condonation of delay are stated in Paragraph Nos.4 and 5 of the Application.
2. Learned Counsel for the Applicants prays to condone the delay as it was not intentional.
3. Learned Counsel Mr. Rakhunde appearing for Original Claimant submits that though original claimant died, he has already filed

application giving intimation to the Applicant-Acquiring Body about death and the legal heirs. He submits that he represents the legal heirs of the deceased-Applicant. He would oppose the application as delay is inordinate and it has not been properly explained.

4. I have gone through Paragraph Nos. 2 to 4 of the Application. I do not find that there is any material to contradict the averments. Considering the submission of learned Counsel for the Applicants, I find it fit to condone the delay.

5. Civil Application is allowed in terms of prayer clause 'B' and 'C'.

6. Office is directed to restore the First Appeal Stamp No.27816/2013 to its original position.

**SHAILESH P BRAHME
JUDGE**

NATJEB..