

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (O) No. 526 of 2014 in M.C.A.No. /2014 in F.A.No. 1094
of 2007

Ramchandra s/o Shivnath Paswan vs. Niranjn Singh s/o Dilip Singh and
another.

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	<u>Court's or Judge's</u> <u>Orders.</u>
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Mr. D.R.Rupnarayan, Adv. for applicant.
Mr. C.A.Anthony, Adv. for R-2.

CORAM: B.R.GAVAI &
MRS. MRIDULA R. BHATKAR,JJ
DATE : 13.1.2015

This application is for condonation of delay in filing the application for restoration of the first appeal, which came to be dismissed for want of prosecution.

This application is vehemently opposed by Mr. C.A.Anthony, the learned counsel for respondent no.2, on the ground that the delay is not at all sufficiently explained.

Perusal of the application would reveal that the counsel, who was appointed by the applicant/ appellant, had joined the judicial service, but, however, had not informed him

about his inability to continue with the brief. The applicant/appellant was, therefore, required to contract another counsel and filed the present application.

Taking into consideration the grounds raised in the application, we are inclined to allow the application. Hence, the application for condonation of delay is allowed, however, subject to condition that in the event, this Court allows the appeal and enhance the compensation already awarded, the appellant would not be entitled to any interest for the period between the date on which appeal came to be dismissed for want of prosecution and the date on which the application for restoration is made.

Misc. Civil Application St. No. 346 of 2014 in F.A.No. 1094 of 2007:

This application for restoration of the first appeal, is taken on Board. For the reasons stated in the application, the application is allowed. The First Appeal is restored to file on the condition that the private paper books would be filed within four weeks from today.

JUDGE

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