

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

Civil Application [CAF] No.961 of 2015

and

Civil Application [CAO] No.756 of 2015

in

First Appeal No.33 of 2009

(The Executive Engineer, Uppar Painganga Project

vs.

Shankar Jalba Raote [dead], through L.Rs. and others)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri M.R. Joharapurkar, Advocate for the Applicant/Appellant.
Shri N.S. Khubhalkar, A.G.P. for Respondent Nos.2 and 3.*

CORAM : R.K. DESHPANDE, J.

DATE : NOVEMBER 27, 2015.

Notice of both these civil applications are served upon the respondents. None appears on behalf of the legal heirs of respondent No.1. The learned A.G.P. for respondent Nos.2 and 3.

For the reasons stated in both the applications, which are uncontroverted, I am satisfied that sufficient cause is made out for condonation of delay of 1312 caused in filing an application for setting aside the order of dismissal in default passed on 09/08/2011 by the Registrar (Judicial). The case is also made out for restoration of appeal against respondent No.1. Both these applications are allowed.

First Appeal No.33 of 2009 is restored against respondent No.1, through his L.Rs.

Civil Application [CAF] No.119/2009:

Issue notice to the legal heirs of respondent No.1, returnable on 5th of February, 2016.

JUDGE

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