

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

C.A.O. NO.1331/2014

IN

M.C.A. STAMP NO.17791/2014

IN

C.A.O. NO.849/2012

IN

REJ. M.C.A. NO.61/2013

IN

FIRST APPEAL NO.460/2006

Executive Engineer, Upper Wardha Cananl Division No.1, Amravati

..Versus..

Sahebrao Narayanrao Sote and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 28.1.2015

Heard Shri A.B. Patil, the learned advocate for the applicant
and Shri M.A. Kadu, the learned A.G.P. for the non-applicants 2 and 3.

Shri Patil, the learned advocate for the applicant submits that
the delay in filing the application for restoration is of 608 days and not

of 1570 days.

The first appeal was filed by the applicant/appellant challenging the order passed by the Reference Court enhancing the amount of compensation. The first appeal was admitted for final hearing. For not filing the private paper book within the stipulated time, the appeal came to be dismissed. The applicant/appellant had filed application for restoration of the appeal of which the notices were directed to be issued, however, the process fee was not paid within time and, therefore, the application for restoration was dismissed. Shri Patil, the learned advocate submits that the applicant/appellant has deposited 50% of the amount as per the order passed by this Court.

Considering the facts of the case, the Civil Application No.1331/2014 praying for condonation of delay in filing the application for restoration and M.C.A. Stamp No.17791/2014 praying for restoration of Civil Application No.849/2012 are allowed. The order passed by the learned Registrar (J.) on 8th January, 2013 is set aside. The Civil Application No.849/2012 is restored.

C.A.O. NO.849/2012

Notice, returnable on 6th April, 2015.

Shri Kadu, the learned A.G.P., waives notice for the non-applicants 2 and 3.

JUDGE

Tambaskar.