

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

CIVIL APPLICATION (CAF) NO.3170 OF 2015

IN

FIRST APPEAL ST. NO. 13240 OF 2015

(EE PURNA MEDIUM PROJECT ACHALPUR...VS.. RAJESH NATTHUJI TAYADE & ORS.)

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

Court's or Judge's orders

Shri P.B. Patil, Advocate for Applicant/Appellant.
Shri R.J. Shinde, Advocate for Respondent No.1
Ms A.R. Kulkarni, A.G.P. for Respondent Nos. 2 & 3.

CORAM : Z.A.HAQ, J.

DATED : OCTOBER 19, 2016.

One of the reasons for delay, as stated by the applicant/ appellant, is that the advocate who represented the appellant before the reference Court was not vigilant in the matter and had not applied for certified copy for about 11 months. The learned advocate for the applicant/ appellant has filed pursis dated 19th October, 2016 along with which copy of the communication dated 19th October, 2016 issued by the Executive Engineer to the advocate for the appellant is placed on record of CAF No. 3159/2015. It is stated in this communication that since January, 2009 no case is allotted to Shri S.B. Dharmadhikari, advocate. It is submitted that the present matter was also with Shri S.B. Dharmadhikari, advocate. An affidavit has also been filed on behalf of the appellant in this regard.

The subsequent delay in filing the appeal has been explained and the averments in the application show that it is because of administrative reasons.

Though the application is opposed by the claimants, considering the fact, the delay in filing the appeal is condoned.

The civil application is allowed.

FIRST APPEAL ST. NO. 13240/2015.

Taken up for hearing on admission.

Issue notice for final disposal, returnable on **20th January, 2017.**

Shri R.J. Shinde, advocate waives notice for the respondent No. 1 and Ms A.R. Kulkarni, A.G.P. waives notice for the respondent Nos. 2 and 3.

Call R & P.

JUDGE