

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

C.A.O. No. 648/2016 IN M.C.A. ST. No. 4554/2016 IN FIRST APPEAL No.
1181/2008

(BADRINARAYAN SHIVGOVIND JAISWAL -Vs- STATE OF MAHARASHTRA, THROUGH
COLLECTOR, AMRAVATI AND OTHERS)

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

Court's or Judge's Orders.

Shri S.U. Nemade, counsel for the appellant.
Ms. S. Haider , AGP for respondent nos.1 and 2.
Shri A.B. Patil, counsel for respondent no.3.

CORAM: DR. SMT. SHALINI PHANSALKAR-JOSHI, J.
DATE : JULY 24, 2017.

This is an application for condonation of delay of 510 days in filing the application for restoration of appeal, which came to be dismissed for default.

It is submitted by learned counsel for appellant that counter appeal filed by respondent no.3, V.I.D.C. bearing First Appeal No. 206/2013 is already disposed of by this court vide its order dated 30/04/2015 and the matter is remanded to the reference court for fresh hearing.

In view thereof, this appeal also needs to be restored and accordingly this application for condonation of delay in filing the restoration application is allowed. The delay is condoned.

The restoration application is allowed for the reasons stated above.

Appeal is restored to its original file.

In view thereof, the impugned judgment and order of the reference court is set aside and the matter is remanded to the reference court in the terms of the order passed by this court on 30/04/2015.

Office is directed to send R and P forthwith to the reference court.

JUDGE

Yenurkar