

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

CIVIL APPLICATION (O) NO.692 OF 2017
IN
MISC. CIVIL APPLICATION STAMP NO.7426 OF 2017
IN
FIRST APPEAL NO.654 OF 2008

(Shri Mukesh s/o Champatrao Vanjari Vs. State of Maharashtra, represented by
Collector, Yavatmal and others)

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

Court's or Judge's orders.

Shri K.S. Narwade, Advocate for Applicant/Appellant.
Shri M.A. Kadu, AGP for Respondent Nos.1 & 2.

CORAM: DR. (SMT.) SHALINI PHANSALKAR-JOSHI, J.
DATE: 13th JULY, 2017.

Learned counsel for applicant submits that the appeal was dismissed on account of the failure on the part of the applicant to file the paper-book. Hence, the application is moved for restoration of the appeal. However, there is delay of 720 days in filing this application.

Considering the substantial delay in preferring this application, it can be allowed only subject to the applicant-appellant not being entitled to claim interest on this period of 720 days. The application is accordingly allowed subject to the condition of appellant not being entitled for the interest on enhanced amount of compensation for the period of 720 days. The appeal is accordingly restored to this original file.

Misc. Civil Application Stamp No.7426/2017:

Learned counsel for applicant submits that the private paper-book is ready and he will be filing the same within a week and hence, the application for restoration is allowed subject to condition of appellant filing private paper-book within eight days. Otherwise this application will stand automatically dismissed.

JUDGE