

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

CAO No.257/2018 in MCASt.No.2742/2018
in
First Appeal No.624/2010
(MIDC Yavatmal through its CEO .vs. Dwarkadas Keshaoram Agrawal and
others.)

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

Mr. S. Thakre, Advocate for Applicant.
Mr. A.V. Bhide, Advocate for Respondent No.1.
Mr. M.A. Kadu, AGP for Respondent Nos.2 to 4.

CORAM : Manish Pitale, J.
DATED : February 07, 2018.

This is an application for restoration of appeal which stood dismissed by order dated 12.08.2014 on account of failure on the part of the appellant to file private paper book. It is accompanied by an application for condonation of delay of 1183 days in filing the application for restoration of appeal. The reasons stated in this application for condonation of delay are sketchy and no details have been given.

But, since the appeal filed by the respondent no.1-claimant bearing First Appeal No.1421/2009 is already pending in this Court seeking further enhancement of compensation, it would be in the interest of the justice that the instant appeal filed by the acquiring body is also taken up for consideration on merits.

But, for the inordinate delay in moving the application for restoration of appeal, I am of the opinion

that this is a fit case for imposing costs on the applicant-appellant. Therefore, the aforesaid applications are allowed, delay is condoned and the appeal is restored subject to the applicant-appellant Corporation paying a sum of Rs.5000/- to the respondent no.1-claimant as costs within a period of four weeks from today.

The learned counsel appearing on behalf of the respondent no.1-claimant informs that the private paper book has already been filed in First Appeal No.1421/2009 filed on behalf of the claimant. Since this appeal would have to be considered with the said appeal filed by the claimant, the appellant herein is exempted from filing the private paper book. List this appeal along with First Appeal No.1421/2009 in due course of time.

JUDGE

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