

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

CIVIL APPLICATION (CAO) NO.778/2018

WITH

MCA ST.NO.4481/2018

IN

FA NO.1159/2008

Hiraman s/o Bhika Jadhao

..S..

The State of Mah., thr. the Collector, Yavatmal and ors

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

Court's or Judge's Order

.....  
Shri S.U. Nemade, Counsel for the applicant/appellant.  
Shri A.M. Balpande, AGP for non-applicants/respondents.

**CORAM : V.M. DESHPANDE, J.**

**DATED : AUGUST 28, 2018.**

1. Heard learned counsel Shri S.U. Nemade for the applicant/appellant.
2. Learned Assistant Government Pleader Shri A.M. Balpande waives service for the non-applicants/respondents.
3. First Appeal St.No.1159/2008 was filed by the applicant/appellant. On 24.10.2008, the appeal was admitted and the said was pending for filing the paper-book on behalf of the applicant/appellant. However, the applicant/appellant did not file the paper-book within the stipulated period. Hence, the appeal was dismissed for want of prosecution. Since the appeal was dismissed for want of prosecution, Misc. Civil Application No.4481/2018 for restoration of the first appeal was filed. However, as there was a delay in moving the said application, Civil Application No.778/2018

.....2/-

was also filed.

4. Though the delay is enormous, since the appeal itself was admitted and it was dismissed only for want of filing of the paper-book, in my view, the litigant should not be prohibited from submitting his or her on merits on technical ground. Hence, I condone the delay. Consequently, the misc. civil application for restoration of the appeal is also allowed. The first appeal is restored to file.

5. Learned counsel for the appellant to file paper-book within a period of two weeks from today.

6. The civil application and the misc. civil application stand disposed of accordingly.

**JUDGE**

!! BRW !!

...../-