

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

CIVIL APPLICATION NO. 127/2018 IN M.C.A.(ST) NO.5952/2017 IN
FIRST APPEAL NO.1145/2010

V.I.D.C. through its Executive Engineer, Bembla Project Division,
Yavatmal ..vs.. Santosh Waman Thakare and ors.

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

Court's or Judge's orders.

Mr. Amol Patil, Advocate for applicant.
Mr. I. Damle, A.G.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 27, 2018

1. The appeal filed on behalf of the applicant was admitted by this Court and was pending for filing of the paper book. Since, paper book was not filed within situated period, the appeal was dismissed for want of prosecution. Therefore, an application for restoration is moved i.e. Misc. Civil Application (St.) No.5952/2017. However, there is a delay of 730 days in moving the said application. Therefore the present application is filed.

2. Mr. Ingole, learned counsel for non applicant no.1-original claimant submitted that he has no objection for allowing both these applications. The learned A.G.P. Mr. Damle for non applicant nos. 2 and 3 is also not having any objection.

3. In that view of the matter, both the applications are allowed. Delay of 730 days in moving the application for restoration is hereby condoned. The application for restoration is hereby allowed. First Appeal No.1145/2010 is restored to file.

The applications are allowed and disposed of.

4. Mr. Patil, learned counsel for the applicant, submitted that paper book is ready and he shall be filing the same within one week from today.

Registry is directed to accept the paper book within 10 days from today.

JUDGE

kahale

**Yogesh
Arvind
Kahale**

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signed by
Yogesh
Arvind
Kahale
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2018.08.28
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