

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

CIVIL APPLICATION (CAO) NO.634/2018

WITH

MCA ST.NO.6656/2017

IN

FA ST.NO.17468/2016

The Exe. Engr. Purna Medium Project Achalpur, District Amravati

..VS..

Ravindra Kumar s/o Amarsingh Thakur and ors

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

Court's or Judge's Order

.....
Mrs. Anjali Joshi, Counsel for the applicant.
Shri S.D. Sirpurkar AGP for non-applicant Nos.3 and 4.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 28, 2018.

1. Heard learned counsel Mrs. Anjali Joshi for the applicant and learned Assistant Government Pleader Shri S.D. Sirpurkar for non-applicant Nos.3 and 4. For deciding the present applications, presence of non-applicant Nos.1 and 2 is not necessary.

2. The applicant filed an appeal before this Court challenging judgment and award dated 12.2.2015 passed by learned Joint Civil Judge Senior Division, Achalpur in LAC No.77/2008. The said appeal was barred by limitation and, therefore, a civil application for condonation of delay was also filed. The said appeal and the application were under objection of the Registrar. Hence, the Registrar passed an order for removal of the office objections. On 13.12.2016, since the office objections were

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not removed within limitation, registration of stamp of the appeal was refused by the end of 4.1.2017. Since the stamp was refused, the misc. civil application for restoration of first appeal stamp was filed. However, there was a delay of 70 days in moving the said application, the present civil application was filed.

3. Having gone through the contents of the applications and having heard learned counsel for the applicant, I am satisfied that the case is made out for condonation of delay and for restoration of the first appeal stamp. Hence, I pass following order:

ORDER

- (i) The civil application for condonation of delay in filing the misc. civil application for restoration of the first appeal stamp is hereby is allowed. Delay is hereby condoned.
- (ii) The misc. civil application for restoration of the first appeal stamp is allowed.
- (iii) The first appeal stamp is restored to file.
- (iv) Learned counsel for the applicant to remove the office objections within a period of four weeks from today.
- (v) The civil application and the misc. civil application stand disposed of accordingly.

JUDGE

!! BRW !!

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