

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

CIVIL APPLICATION (CAO) NO.669/2018

WITH

MCA ST.NO.7081/2017

IN

FA ST.NO.10786/2012

Maharashtra Industrial Development Corporation, Amravati, thr. its Chief Executive Officer

..VS..

Shantilal s/o Gokuldas Patel and anr

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

Court's or Judge's Order

.....

Shri Yashodhan Ganu, Adv. h/f Shri M.M. Agnihotri, Counsel for the applicant.
Shri M.A. Kadu, AGP for non-applicant No.2.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 31, 2018.

1. Heard Advocate Shri Yashodhan Ganu hf/ learned counsel Shri M.M. Agnihotri for the applicant and learned Assistant Government Pleader Shri M.A. Kadu for respondent No.2/State.
2. Since the appeal filed on behalf of the applicant was dismissed even prior to issuance of Notice to non-applicant No.1, for deciding the present application the presence of non-applicant No.1 is not necessary.
3. An appeal was filed by the applicant challenging judgment and decree dated 20.12.2011 passed by learned 2nd Joint Civil Judge Senior Division, Akola in LAC No.489/1997. The appeal was on stamp. There were certain office objections which remained to be removed. Consequently, Registrar passed order on 4.9.2012 thereby registration of the first appeal stood refused by the end of 18.9.2012.
4. In order to restore the first appeal, Misc. Civil Application

St.No.7081/2017 was filed. However, there was a delay of 1644 days in moving the said application. Therefore, the present application for condonation of delay is filed.

5. After hearing learned counsel for the applicant, I am of the view that the applicant has made out a case for restoration of the first appeal. Hence, I pass following order:

ORDER

(i) Civil Application (CAO) No.669/2018 is allowed.

(ii) Delay in moving Misc. Civil Application St.No.7081/2017 for restoration of the first appeal is hereby condoned.

(iii) Misc. Civil Application St.No.7081/2017 is allowed.

(iv) Order passed by the Registrar on 4.9.2012 and consequence of it that occurred on 18.9.2012 is hereby recalled and revoked.

(v) First Appeal St.No.10786/2012 is restored to file.

(vi) The applicant to remove the office objections in the said appeal within a period of 4 weeks from today.

(vii) The civil application and the misc. civil application are allowed and disposed of accordingly.

JUDGE

!! BRW !!

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