

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

CIVIL APPLICATION (CAO) NO.1804/2018

AND

MCA ST.NO.9808/2018

IN

CAF ST.NO.16230/2017

IN

FA ST.NO.16228/2018

The Executive Engineer, Bembla Project Region Yavatmal, District Yavatmal

..VS..

Prakash Nandulal Jaiswal and ors

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

Court's or Judge's Order

.....
Shri P.B. Patil, Counsel for the applicant.
Shri M.A. Kadu, AGP for non-applicant Nos.2 and 3.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 8, 2018.

1. Heard learned counsel Shri P.B. Patil for the applicant and learned AGP Shri M.A. Kadu for non-applicant Nos.2 and 3/State.
2. The applicant filed an appeal before this Court challenging judgment and award dated 15.6.2015 passed by learned Civil Judge Senior Division, Yavatmal in LAC No.56/2007. The appeal was barred by limitation. Therefore, an application for condonation of delay bearing Civil Application No.16230/2017 was filed. The appeal was filed on deficit court fee of Rs.1000/-. Therefore, no notice was issued to the non-applicants. The applicant could not pay deficit stamp within the

stipulated period. Therefore, the Registrar refused the stamp by order dated 23.1.2018. Since the stamp is refused for non-payment of deficit court fee, there is no necessity to issue notice on this application.

3. Learned counsel Shri P.B. Patil for the applicant submits that within a period of 10 days from today he will pay the deficit court fee. The statement is accepted.

4. Both the applications are allowed. Delay in moving the application for restoration of the application is condoned. CAF St.No.16230/2017 and first appeal stamp are restored to file.

5. Both applications are disposed of accordingly.

JUDGE

!! BRW !!