

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

C.A.O. NO.1378/2018 IN M.C.A. ST. NO.17238/2018 IN F.A. ST. NO.4030/2017 (R.C. 590/2017)

[Executive Engineer, Bembala Irrigation Division, Yavatmal .vs. Subhash s/o Govindrao Yerawar and others]

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

.....
Court's or Judge's orders

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Shri S.K. Bhoyar, Advocate for Appellant,
Shri K.R. Lule, AGP for Respondent Nos.3 and 4.
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CORAM : MRS. SWAPNA JOSHI, J.
DATED : AUGUST 02, 2018.

This is an application filed by the appellant for condonation of delay in filing restoration application for restoration of First Appeal St. No.4030/2017.

Heard the learned counsel for the parties.

For the reasons mentioned in the application, the application is allowed. The delay of 414 days in filing the application for setting aside the order dated 5.6.2017 is hereby condoned.

The application stands disposed of.

M.C.A. ST. NO.17238/2018

This is an application filed by the appellant for restoration of First Appeal St. No.4030/2017.

Heard the learned counsel for the parties.

It is submitted by the learned counsel for the appellant that as the office objection was not removed by the appellant, the appeal was dismissed. The learned counsel for the appellant submitted that he has a good case on merit and prays for setting aside the order dated 5.6.2017 passed by the Registrar (Judicial) and to restore the First Appeal St. No.4030/2017. He submitted that he will remove the office

objections within a period of two weeks from today.

In view of the statement made by the learned counsel for the appellant, the application is allowed. The order dated 5.6.2017 passed by the learned Registrar (Judicial) is hereby set aside and First Appeal St. No.4030/2017 is restored to the file.

The application stands disposed of.

JUDGE

Gulande