

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

CAO No.1881/2017
in
MCA St. No.18768/2017
in
First Appeal St. No.575/2011 (R.C. No.209/11)
(M.I.D.C. Amravati .vs. Umashankar Tukaramsingh Gautam and ors.)

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

Mr. Sharad Thakre, Advocate for Applicant.
Mr. M.A. Kadu, AGP For Respondent Nos.2 & 3.

CORAM : Manish Pitale, J.
DATED : February 07, 2018.

This is an application for restoration of appeal which was dismissed vide order dated 01.03.2011 passed by the Registrar on account of failure to remove office objections. It is accompanied by an application for condonation of delay. In the application, it is submitted that the office objections could not be removed because of the negligence of the Clerk of the Advocate for the appellant/applicant and further that the delay is not deliberate. I would not have condoned the delay and restored the appeal but for the fact that large number of appeals arising from the same acquisition proceedings are being finally heard by this Court. Therefore, it would be in the interest of justice to restore this appeal so that it is also considered on merits along with the connected appeals.

In the light of above, the applications are allowed, delay is condoned and the appeal is restored. The counsel for the appellant is directed to remove all

office objections within a period of one week from today.

First Appeal St. No. 575/2011

Issue notice returnable in four weeks.

Mr. Kadu, learned AGP waives notice on behalf of respondent Nos. 2 and 3.

Hamdast granted for service on respondent no.1.

Notice by R.P.A.D. is allowed.

JUDGE

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