

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

CIVIL APPLICATION (CAO) NO.672/2018 WITH MCA ST.NO.22021/2017
IN FA NO.281/2004

Prabhavatibai Prakash Ghavat

..VS..

The State of Maharashtra and ors

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

Court's or Judge's Order

.....
Shri A.P. Tathed, Counsel for the applicant/appellant.
Shri I.J. Damle, AGP for the non-applicants/State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 31, 2018.

1. Heard learned counsel Shri A.P. Tathed for the applicant/appellant and learned Assistant Government Pleader Shri I.J. Damle for the non-applicants/State.

2. The applicant/appellant being dissatisfied with judgment and award dated 9.12.2003 passed by learned Civil Judge Senior Division, Pusad in LAC No.271/1995 approached to this Court by filing an appeal. The appeal was registered as Fist Appeal No.281/2004. However, it appears that there were certain office objections which remained to be removed. Consequently, a conditional order was passed on 27.6.2005. Even, the office objections remained to be removed. The first appeal was dismissed for want of prosecution.

3. Though there is an enormous delay in filing an application for restoration of the appeal, I am of the view that the said can be condoned since the very same award was also

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challenged in an appeal filed by the VIDC bearing First Appeal No.348/2008 and the said appeal is still awaiting for its final decision.

4. In that view of the matter, I see no reason to deny an opportunity for the claimants to perform her case before the Court. Hence, I pass following order:

ORDER

- i) The civil application for condonation of delay is allowed. Delay caused in moving Misc. Civil Application for restoration of the first appeal is hereby condoned.
- ii) The Misc. Civil Application for restoration of the appeal is allowed. The first appeal is restored to file.
- iii) The appellant to remove the office objections within a period of 10 days from today. After the office objections are removed, put up the present appeal along with the appeal filed by the VIDC for final hearing.
- iv) The civil application and the misc. civil application are allowed and disposed of accordingly.

JUDGE

!! BRW !!

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