

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

CIVIL APPLICATION (CAO) NO.674/2018

WITH

MCA ST.NO.24822/2017

IN

FA ST.NO.22966/2016

Ramesh Vasantrao Kale and ors

..VS..

Chief Executive Engineer, Minor Canal Division Corporation, thr. the Minor Irrigation
Project, District Yavatmal 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.B. Nakshane, Counsel for the applicants.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 28, 2018.

1. Heard learned counsel Shri A.B. Nakshane for the applicants.
2. The applicants filed an appeal against judgment and decree dated 29.7.2016 passed by learned Civil Judge Senior Division, Darwha in LAC No.2027/2004 for enhancement. The said appeal was within limitation. However, there were certain office objections in the said appeal. Registrar on 14.2.2017 passed an order directing the applicant to remove the office objections. However, within the stipulated period the office objections were not removed. Consequently, on 28.2.2017 the first appeal stamp was refused. Therefore, the misc. civil application for restoration of the appeal was filed. Since there was a delay in moving the misc. application, the present application was also filed for condonation of

delay. Delay is of 259 days.

3. Heard learned counsel Shri A.B. Nakshane for the applicants and learned Assistant Government Pleader for the State.

4. Having gone through the contents in the applications, I am satisfied that the applicants have made out a case for granting these applications. Hence, I pass following order:

ORDER

(i) The civil application is allowed.

(ii) Delay in moving the misc. civil application for restoration of the appeal is hereby condoned.

(iii) The misc. civil application for restoration of the appeal is allowed.

(iv) First Appeal Stamp No.22966/2016 is restored to file.

(v) The applicant to remove the office objections within a period of four weeks from today.

(vi) With this, the civil application and the misc. civil application stand disposed of accordingly.

JUDGE

!! BRW !!

...../-