

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

CIVIL APPLICATION (CAO) NO.665/2018 WITH MCA ST.NO.25071/2017
IN FA ST.NO.23009/2016

The Executive Engineer, Khadakpurna Project, Deulgaon Mahi, Tahsil Deulgaon
Raja, District Buldhana

..VS..

Pralhad Yeduba Khandagale and ors

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

Court's or Judge's Order

Shri S.K. Bhoyar, Counsel for the applicant.

Shri A.M. Balpande, AGP for non-applicant Nos.4 and 5.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 31, 2018.

1. The Executive Engineer, Khadakpurna Project, Deulgaon Mahi, Tahsil Deulgaon Raja, District Buldhana, is the applicant in these two applications.

2. I have heard learned counsel Shri S.K. Bhoyar for the applicant.

3. The applicant was required to file an appeal before this Court challenging judgment and decree dated 25.11.2015 passed by learned Civil Judge Senior Division, Wardha, in LAC No.85/2013. The appeal was barred by limitation. Therefore, an application for condonation of delay was also moved. The appeal was under some office objections. Since the applicant could not remove the office objections within the stipulated time, as per order passed by the Registrar, the first appeal which was on stamp was refused.

4. In order to restore the first appeal, which was on stamp, the applicant filed an application for restoration of the first appeal. However, there was a delay in moving the said application for restoration of the appeal. Therefore, an application for condonation of delay is also filed.

5. In view of the aforesaid, I am of the view that the presence of non-applicant Nos.1 to 3 is not at all necessary. Learned Assistant Government Pleader Shri A.M. Balpande waives service for non-applicant Nos.4 and 5.

6. For the reasons stated on affidavits in both these applications, the applications are allowed.

7. The civil application for condonation of delay is allowed. Delay in filing the misc. civil application for restoration of the first appeal is hereby condoned. The misc. civil application for restoration of the appeal is allowed. Order passed by the Registrar rejecting first appeal stamp is hereby revoked and the first appeal stamp is restored to file.

8. The applicant to remove the office objections within a period of 3 weeks from today.

9. The civil application and the misc. civil application are disposed of accordingly.

JUDGE

!! BRW !!

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