

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

CIVIL APPLICATION (CAO) NO. 273 OF 2023
IN
MISC. CIVIL APPLICATION (ST.) NO. 3651 OF 2023
IN
FIRST APPEAL (ST.) NO. 27166 OF 2017
IN
REJECTED CASE NO. 217 OF 2018

Vidarbha Irrigation Development Corporation, Minor Irrigation Division, Wardha
..VS..

Sudhakar Nago Chafle (Dead) through his LR's. Asha Wd/o Sudhakar Chafle and
others

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

Court's or Judge's orders

Mr. S.K. Bhoyar, Advocate for applicant.
Ms. Shamsi Haider, A.G.P. for non-applicant Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : FEBRUARY 27, 2023

CIVIL APPLICATION (CAO) NO. 273 OF 2023

By this application, the applicant/appellant is seeking condonation of delay which is caused in preferring Misc. Civil Application for restoration of the Appeal.

2. As per the contention of the learned counsel for the applicant is that Appeal was preferred against the Judgment and Award passed by the 3rd Joint Civil Judge, Senior Division, Wardha in L.A.C. No. 64 of 2009, however, office have raised some objections and conditional order was passed by the Registrar (Judicial) that office objection to be removed within 14 days. On

non removal of the office objection, registration of the instant appeal was refused by the Registrar (Judicial) by passing order on 13.02.2018. Inadvertently the said order was not noticed by the learned counsel and therefore, delay of 1092 days is caused for filing the restoration application. It is submitted that delay is not intentional one. Due to the inadvertently mistake of the counsel, litigant should not suffer.

3. Learned A.G.P has no objection for condonation of delay.

4. In view of the reasons mentioned in the application as the learned counsel has not noticed the order passed by the Registrar (Judicial) therefore, the delay of 1092 days is caused. The reasons mentioned in the application is justifiable one. In view of that, the delay of 1092 days is condoned.

The Civil Application No. 273 of 2023 is disposed of.

MISC. CIVIL APPLICATION (ST.) NO. 3651 OF 2023

On removal of the office objections within a period of two weeks, the First Appeal be restored at its original stage of registration.

The Misc. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)