

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

MISC. CIVIL APPLICATION NO.292/2018 IN F. A. NO.1387/2008

Sk. Samad s/o Sk. Jumma ..vs.. Dayanand Baban Dekte and ors.

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

Court's or Judge's orders.

Mr. P. V. Ghare, Advocate for applicant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 6, 2018

1. This is an application for restoration of First Appeal No.1387/2008. Heard Mr. P. V. Ghare, learned counsel for the applicant, who is original claimant and who had filed First Appeal No.1387/2018 for enhancement of the compensation. On 30.10.2017, a conditional order was passed by this Court that if the paper book is not filed within three weeks, the appeal shall stand dismissed automatically. During the stipulated time, the private paper book was not filed. Consequently, the appeal was dismissed.

2. The application is filed for restoration of the said first appeal. Mr. Ghare, Advocate states that the paper book is ready and he would file the said paper book within one week, if the appeal is restored back to the file.

3. This Court had on 18.06.2018 issued notices to the non applicant nos. 2, 3 and 5 only. In spite of service on them, nobody is appearing on their behalf.

4. After hearing the learned counsel for the applicant and after having gone through the contents of the application, I am satisfied that the applicant has made out a case for restoration of the first appeal. Accordingly, the application is allowed and disposed of. First Appeal No.1387/2008 is restored to the file.

Mr. Ghare, learned counsel for the applicant is permitted to file private paper book within 10 days from today.

The application is disposed of.

JUDGE

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