

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

CIVIL APPLICATION (CAO) NO. 712 OF 2019

in

FIRST APPEAL (FA.) NO.183 OF 2012

[Shivaji s/o Datta Ranmale and anr. Vs. The State of Maharashtra and ors.]

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. U. Nemade, Advocate for the appellants
Shri Nikhil Joshi, AGP for respondent nos. 1 and 3
Shri Raibhandari, Advocate for respondent no. 2

CORAM : M. G. GIRATKAR, J.

DATE : 19/06/2019

Heard learned Advocate Shri Nemade for the appellants. He has submitted that appeal is came to be dismissed for not filing private paper book. Appellant was not aware about the dismissal of appeal. He has also submitted that applicants are tribal. First Appeal was dismissed for non-payment of court fee, thereafter, the tribal are exempted by the State of Maharashtra by issuing circular. Therefore, there is delay of 498 days.

Learned AGP Shri Joshi for respondent nos. 1 and 3 and learned Advocate Shri Raibhandari for respondent no. 2 have strongly objected the application.

Looking to the grounds mentioned in the application, the application is allowed. The delay is condoned, subject to filing of paper book within one week. Appeal be restored to file at the stage when it was dismissed.

JUDGE

SMGate