

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

CIVIL APPLICATION (CAO) NO. 1598/2019 IN
MISC. CIVIL APPLICATION (ST.) 11094/2019 IN
FIRST APPEAL NO. 471/2014 (D)

V.I.D.C. Nagpur through Executive Engineer, Kardi Dam, Chikhali, Dist. Buldana
V/s

Kalyan Gunaji Sananse thr. LR's Smt. Chhababai Kalyan Sananse and others.

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

Court's or Judge's orders.

Shri Nishant Mundhare, counsel h/f Shri P.B. Patil, counsel for the applicant
/ appellant.

Shri S.B. Bissa, AGP for non-applicant No.2.

CORAM: ANIL S. KILOR, J.

DATE: 25/02/2020.

The applicant has filed the present application for condonation of delay caused in filing restoration application.

2. The appeal was dismissed for non-compliance of Court's order dated 19.04.2017 relating to supply of private paper book within stipulated period.

3. Shri Nishant Mundhare, learned counsel for the applicant submits that the order of filing private paper book within 12 weeks was communicated to the applicant (VIDC). However, necessary documents required for preparation of private paper-book have not been supplied to the counsel within stipulated period and therefore, he submits that the delay has been caused in filing application

for restoration.

4. None for the non-applicant Nos.1(a) to 1(h), though served. Shri S.B.Bissa, learned AGP for the non-applicant No.2.

5. It is apparent from the contents of the application that the applicant/corporation has not taken sufficient care for providing the necessary documents to its counsel, to comply the order of this Court and to file private paper-book within stipulated period. It appears that the conduct of the applicant/corporation in the present matter is casual and therefore, the delay is condoned with cost of Rs. 5,000/- (Rs. Five Thousand) to be paid in the account of the High Court Bar Association Library, Nagpur.

6. The applicant/corporation may recover the said amount from the officer who is responsible for non-providing necessary instructions and documents. It is expected that hereinafter, the applicant/corporation will be vigilant in court cases and will take all necessary care and will not act casually.

7. In view of the above, civil application is allowed and the same is disposed of.

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For the reasons stated in the application, civil

application is allowed.

2. The office is directed to restore the matter to its original number with the condition that the applicant shall file private paper-book within two weeks' failing which, the appeal shall be stand dismissed without further reference to Court.

JUDGE

RKN