

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

CIVIL APPLICATION (O) NO.485 OF 2021 AND MISC. CIVIL APPLICATION
STAMP NO.195 OF 2021

IN

REJECTED CASE NO.1005 OF 2017 (CAF NO.1177 OF 2021) IN
FIRST APPEAL STAMP NO. 22757 OF 2016

The Executive Engineer, Medium Division, Nagpur

Vs.

Khema s/o Rajeram Gajbhiye (dead) through his LRs Mrs. Pramila Girdhar
Naik D/o Khema Rejeram Gajbhiye 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 P.B. Patil, Advocate for applicant.
Shri A.P. Kalmegh, Advocate for non-applicant no.1.
Shri A.M. Kadukar, A.G.P. for non-applicant nos.2 and 3.

CORAM : PUSHPA V. GANEDIWALA, J.
DATE : 17th AUGUST, 2021.

Heard learned counsel for the applicant.

2. Issue notice to the non-applicants.
3. Shri A.P. Kalmegh, learned counsel waives service of notice on behalf of non-applicant no.1.
4. Shri A.M. Kadukar, learned A.G.P. waives service of notice on behalf of non-applicant nos.2 and 3.
5. Considering the reasons stated in the application, the delay of 1178 days caused in filing application for restoration is condoned. The application for restoration of appeal is allowed.

6. Appeal be registered.
7. Both applications stand disposed of.

FIRST APPEAL STAMP NO. 22757 OF 2016

8. Both learned counsel submit that this matter is covered by the decision of this Court.
9. Considering the submission, put up this matter for final hearing before admission on 23.08.2021.

JUDGE

Wagh