

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

CIVIL APPLICATION (O) NO.285/2021 AND M.C.A. ST NO. 2493/2021 IN
FIRST APPEAL NO.591 OF 1994

Ganibhai s/o Indubhai Khiliji (dead) through his LRs Amina w/o Ganibhai
Khilji and others

Vs.

The State of Maharashtra 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 Jafar Malnas, Advocate for applicants.
Ms H.N. Jaipurkar, A.G.P. for non-applicants.

CORAM : PUSHPA V. GANEDIWALA, J.
DATE : 2nd SEPTEMBER, 2021.

Heard.

2. These two applications are for condonation of delay in moving the application for restoration of first appeal and restoration of the first appeal which was dismissed for non-filing of the private paper book. Delay is of 4605 days.

3. For the reasons stated in the application, the applications are allowed. Delay of 4605 days is hereby condoned however subject to waiver of interest during the delayed period of 4605 days, on enhanced compensation, if any. The first appeal is restored to file.

4. Both civil applications stand disposed of.

CAO NOS.286, 287 AND 288 OF 2021

5. By way of these applications, the applicants are seeking condonation of delay in bringing legal representative, setting aside abatement in bringing legal representative and bringing legal representative of deceased appellant – Ganibhai Indubhai Khilji on record.

6. Perused the applications.

7. Considering the reasons stated in the applications, delay is condoned and abatement is set aside. Applicants are permitted to brought their names on record in place of original appellant.

8. Necessary amendment be carried out within two weeks.

9. The applications stand disposed of.

FIRST APPEAL NO.591 OF 1994

10. Stand over to two weeks.

JUDGE

Wagh