

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

MISC. CIVIL APPLICATION NO.252/2021 IN
FIRST APPEAL NO. 989/2015 (D)

The Executive Engineer, Minor Irrigation Department, Khamgaon .vs. Govt. of
Maharashtra, through District Collector, Buldhana 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. B. Patil, Advocate for applicant.
Ms T. Udeshi, A.G.P. for non applicant nos. 1 and 2.

CORAM : V.M. DESHPANDE, J.
DATED : DECEMBER 2, 2021

This is an application for restoration of the appeal. This application is filed by appellant-Executive Engineer, Minor Irrigation Department, Man Project Division, Khamgaon, District Buldhana.

An appeal was filed by appellant challenging judgment and decree passed by learned reference Court. The appeal was admitted and it was pending for filing of private paper book. On 30.01.2019, this Court (Coram: A. S. Chandurkar, J.) granted three months' time to file private paper book, failing which it was observed that appeal shall stand dismissed without reference to Court.

The paper book was not filed within stipulated time. Therefore, the order has taken its own effect.

Heard Mr. Patil, learned counsel for applicant, Ms Udeshi, learned A.G.P. for non applicant nos. 1 and 2 and Mr. Masurkar, learned counsel for original claimant.

The application is filed with an affidavit of one Vilas c/o Chinduji Selokar, registered clerk of Mr. P. B. Patil, Advocate. In the application it is stated that due to inadvertence on his part, the paper book could not be filed within time, though it was ready.

Since the paper book was already ready, in my view, a chance should be given to the appellant to argue its case on merit. Hence, the application is allowed. First Appeal No. 989/2015 is restored to the file. Appellant is directed to file paper book within two weeks from today, without fail.

JUDGE

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