

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

Civil Application (O) No.252/2020 in MCA St. No.24529/2019 in First Appeal
No.414/2012 (D)

(Waman Wayal thr Lrs and others V The State of Maharashtra and another)

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, Adv for appellants.
Shri M.A. Kadu, AGP for respondent no.1.

CORAM : S.M. MODAK, J.

DATE : 04-01-2021.

Heard learned Advocate Shri Patil for the appellants and learned AGP Shri Kadu for respondent no.1.

2. The learned Registrar (Judicial) has dismissed the First Appeal as per order dated 14-03-2017. It was for want of prosecution that is not filing the private paper book. Now the appellants are ready with the private paper book. They need to be given an opportunity to argue on merits.

3. The respondent no.2 is having separate identity. Though they are not served, considering the limited issue involved, it can be heard.

4. There is a delay for filing restoration application. The reasons are convincing. Hence, the order :-

Order

- a) The delay caused in filing restoration application is condoned.
- b) The order of learned Registrar (Judicial) dated 14-03-2017 is set aside, subject to filing of private paper book within a period of one week subject to that First Appeal No.414/2012 be restored.

c) Application is disposed of.

First Appeal No.414/2012

Subject to compliance of above conditions, appeal be placed before this Court. Subject to the compliance, the notice be issued to respondent no.2.

Appeal be fixed before this Court after a period of four weeks.

(S.M. Modak, J.)