

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

CIVIL APPLICATION (CAO) NO.500/2022
IN
CIVIL APPLICATION (MCA) ST. NO.7196/2022
IN
FIRST APPEAL ST. NO.15675/2005

Mohan s/o Mahadeo Mirashe and others

Vs.

State of Maharashtra through the Collector, Nagpur and others

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

Court's or Judge's orders

Ms Ekta Rai, Advocate for applicants
Ms H.N. Jaipurkar, A.G.P. for respondents

CORAM : SMT. M.S. Jawalkar, J.
DATED : 11/08/2022

Heard.

2. The present application is filed for condonation of delay in filing restoration application in the rejected First Appeal. It is contended that the matter was though rejected, in official website of High Court at Bombay it was showing that the matter was for pre-admission stage till 2019. Thereafter, the file was not traceable in the High Court. The concerned appellant Vatsalabai who had filed the appeal also expired on 05/06/2009. In such circumstances, the delay of 5308 days has been caused.

3. The learned Counsel for respondents opposed the application, however, it is submitted that if at all, this Court decided to condone the delay. The delay be condoned subject to condition that the appellant would not be entitled for interest for delayed period.

4. I am satisfied that there is no deliberate or intentional delay. However, the matter is also not diligently handled. As such I am inclined to condone the delay subject to payment of costs.

5. The application is allowed. The delay in filing application for restoration is hereby condoned subject to costs of Rs.5000/-. The applicants will not be entitled for interest for the delayed period, if amount of compensation is enhanced.

6. The appellant to deposit costs of Rs.5000/- within two weeks to the Vidarbha Lady Lawyer Association, Nagpur.

7. The application is disposed of accordingly.

8. The Registry is directed to register the Misc. Civil Application.

MISC. CIVIL APPLICATION ST. NO.7196/2022

The reasons mentioned in the application for condonation of delay are the same for filing restoration application. The death certificate of Vatsalabai is placed on record along with pursis. For the reasons stated in the application, the application is allowed.

2. The Registry is directed to register the First Appeal to its original stamp number after payment of costs.

3. The appellant to pay Court Fees within two weeks after restoration of First Appeal. After restoration of appeal on its stamp number, issue notice to respondent returnable within three week.
4. The application is allowed.

JUDGE

R.S. Sahare