

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

CIVIL APPLICATION (CAO) NO. 433/2022 IN
MISC. CIVIL APPLICATION STAMP NO. 11123/2019 IN
FIRST APPEAL NO. 1032/2014

Gunwantrao Mahadeorao Gulhane

Vs.

The Executive Engineer and others

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

Court's or Judge's orders

Shri S.S. Nemade, Advocate h/f Shri S.U. Nemade, Advocate for appellant
Shri M.A. Kadu, A.G.P. for respondent Nos. 2 and 3/State

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 19/08/2022

The present application is filed for condonation of delay in filing Misc. Civil Application for restoration of appeal.

2. For the reasons stated in Paragraph No.3 of the application, I am satisfied that there is no intentional or deliberate delay in filing Misc. Civil Application. As such, delay in filing Misc. Civil Application is hereby condoned.

MISC. CIVIL APPLICATION STAMP NO. 11123/2019

The present application is filed for restoration of first appeal which was dismissed for want of filing of paper book. There was conditional order dated 27/11/2018, by which this Court granted three months

time to file private paper book, failing which appeal was ordered to be dismissed in default without further reference to the Court. The said time has expired on 27/02/2019 and the matter was dismissed . The appellant is poor person and residing at remote area, therefore, he could not contacted and some delay is caused. It is also submitted that as counter appeal is filed by VI.D.C., wherein paper book was filed, the Counsel for applicant was under impression that there would be no necessity of filing paper book. As such, as counter appeal is already admitted, this appeal is also required to be admitted by restoring to its original file. As such the application is allowed.

2. Registry is directed to register first appeal on its original number.
3. The appellant is exempted from filing of private paper book.
4. List the First Appeal along with First Appeal No. 208/2017.
5. The application stands disposed of.

(SMT. M.S. JAWALKAR, J.)

Jayashree..