

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

CIVIL APPLICATION [CAO] NO.660 OF 2022 IN MCA ST. NO.11164/2022

IN

R.C. NO.216/2020 [FIRST APPEAL ST. NO.17912/2019]

[Krushna Santoshrao Salve .vs. The Collector, through Special Land Acquisition Officer, Zilla Parishad, 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

Shri Rahul Dhande, Advocate for applicant-appellant,
Ms. T.H. Udeshi, AGP for respondent no.1.

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

DATE : 05/09/2022.

Present application is filed by the applicant-appellant for condonation of delay in filing application for restoration of first appeal. It appears that there is a delay of 218 days. There was conditional order passed by the Registrar (Judicial) granting 14 days time to remove office objections on 03.12.2019. He submitted that as office clerk inadvertently not removed the office objections, registration of First Appeal came to be refused on expiry of 14 days i.e. on 17.12.2019. As there was Covid-19 Pandemic, registry's refusals were unnoticed. On 01.07.2022 when the status of the matter was checked by Advocate, he came to know about dismissal of first appeal. Accordingly, he moved this application.

2. The learned AGP vehemently opposed this application. However, for the reasons stated in the application, I am satisfied that there is no intentional or deliberate delay. As such, the application is allowed. The delay in filing application for restoration of first appeal is hereby condoned.

3. Application is allowed and disposed of.

Misc. Civil Application St. No.11164/2022

1. Heard both sides.

2. The reasons put-forth by the applicant are the same as stated in the application for condonation of delay in filing application for restoration of first appeal. Though the application is opposed by the learned AGP, to grant one more opportunity, the order passed by the learned Registrar (Judicial) dated 03.12.2019 is hereby quashed and set aside. The Registry is directed to restore the First Appeal on its original number.

3. Learned counsel for appellant to remove office objections within two weeks thereafter.

4. M.C.A. is allowed and disposed of.

[Smt. M.S. Jawalkar, J.]