

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

Civil Application (F) No.2258/2019 in MCA St. No.14882/2019 in First Appeal St.
No.18841/2014

Shriram Chate V The State of Maharashtra and others

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

Court's or Judge's Orders

Ms Vidhya Umale, Advocate h/f Mr. A.V. Khare, Advocate for applicant.

Mrs. Shamsi Haider, AGP for non-applicants no.1 and 3.

Mr. M.A. Kadu, Advocate for non-applicant no.2.

CORAM : ABHAY AHUJA, J.

DATE : 26-09-2022

Heard.

2. By these applications, the applicant is seeking condonation of delay in filing the application for restoration and for restoration of the Appeal that was dismissed for non removal of office objections. The learned Counsel for the applicant draws attention of this Court to paragraphs 2 to 5 of the application to explain the delay and submits that the earlier Counsel who was appointed as a panel Advocate could not appear in the matter and when the matter was listed on 04-01-2006, none appeared and therefore the Appeal came to be dismissed for want of prosecution. He would submit that in the interest of justice the delay be condoned.

3. Mr. Kadu, learned Counsel for the Acquiring Body has no objection.

4. The learned AGP for respondents no.1 and 3 otherwise submits to the orders of this Court except to state that the Appellants be directed to waive the interest during the delayed period.
5. Having heard the learned Counsel for the applicant and having perused the applications, this Court is satisfied that there is sufficient cause made out for condonation of delay.
6. Let the delay of 1577 days in filing the application for restoring the dismissed Appeal be condoned and the Appeal be restored.
7. The applications stand allowed subject to waiver of interest for the delayed period.
8. Applications stand disposed in the above terms.

First Appeal St. No.18841/2014

The Appellant is directed to serve copy of the Memo of Appeal along with complete Annexures upon the respondents within a period of two weeks and file an affidavit of service with tangible proof in this Court by the next date.

2. List the matter on 14-11-2022.

(Abhay Ahuja, J.)