

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

CIVIL APPLICATION (CAF) NO.1047/2021
WITH
CIVIL APPLICATION (CAF) NO.356/2021
IN
FIRST APPEAL ST. NO.3235/2014

Maharashtra Industrial Development Corporation
Vs.
Dilip s/o Hiralal Shah 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 Mayank Agnihotri, Advocate for appellant
Shri N.R. Patil, AGP for respondent No.3.

CORAM : S.M. MODAK, J.
DATE : 15/06/2022

Heard learned Advocate for the appellant.

2. Learned Registrar (Judicial) as per his order dated 27/08/2019 has dismissed the appeal as correct address of respondent no.1 was not given inspite of giving of sufficient opportunity. At that time delay condonation application in preferring the appeal was also pending. Subsequently the appellant has given correct address of respondent No.1 and it was allowed vide order dated 23/09/2021 passed in Civil Application No.1048/2021. Notice was also issued to respondent No.1 of this application. However farad sheet does not said anything about service. Even otherwise his presence is not required.

2. It is true to say that initial proceedings were dismissed by learned Registrar (Judicial) for want of furnishing correct address. At

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that stage, respondent No.1 was not having any correct address. After making attempts, appellant got the correct address of respondent No.1. This explanation is acceptable. There is delay of 23 days in moving restoration application. Reasons are convincing. Both the applications are allowed. Delay caused in filing restoration application is condoned. Proceedings are restored against respondent No.1.

CIVIL APPLICATION NO.910/2018

There is a delay of 134 days in preferring first appeal.

2. Issue notice to respondents, returnable after **four weeks**.
3. Learned AGP waives notice for respondent No.3.

JUDGE

R.S. Sahare