

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

CIVIL APPLICATION (O) NO.18 OF 2023

IN

MISC. CIVIL APPLICATION (ST) NO.40 OF 2023

IN

FIRST APPEAL NO.890 OF 2018

[Executive Engineer ..V/s.. Jagannath Keshav Ajmire and Ors.]

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

Court's or Judge's order

Mr V. Rathi, Advocate for Applicant/Appellant.
Mr R. D. Hajare, Advocate for Respondent No.1.
Ms T. H. Udeshi, AGP for Respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 18th APRIL, 2023.

1. Present application is for condonation of delay of 277 days, which is caused in preferring the restoration application for restoring the appeal.

2. The appeal was dismissed by passing the order on 19.06.2021 for non-compliance of the order passed by this Court directing to file the private paper-book within six months.

3. As per the contention of the learned Advocate appearing for appellant, inadvertently the said order was not noticed, and therefore, paper-book was not filed. Now paper-book is ready with him. The appeal is filed against the judgment and award passed by the Reference Court, by which the Reference Court has awarded the compensation at excessive and exorbitant rate.

4. As per the contention of the appellant, he has every chance of success in the present appeal, if opportunity is granted to him to contest the litigation on merits. It is further submitted that due

to the technical reasons, the appellant which is the statutory body should not be deprived of litigating the cause on merits.

5. Learned Advocate Mr Hajare for respondent No.1 raised objection on the ground that delay is not properly explained.

6. In view of the reasons mentioned in the application and considering the appellant is a statutory body, which has to obtain necessary approvals and considering that order was not noticed inadvertently, the application is allowed and the delay of 277 days is condoned.

7. Civil application is disposed of accordingly.

MISC. CIVIL APPLICATION (ST) NO.40 OF 2023.

8. Learned Advocate for the appellant submitted that the issue is already covered by the previous judgment of this Court.

9. In view of that the paper-book is not required. Record and proceedings is already received. The paper-book is dispensed with.

10. In view of the reasons mentioned in the application, the appeal is restored at its original stage.

11. Civil application is disposed of.

12. Stand over to 24.04.2023 for final disposal.

JUDGE