

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

**CAO NO.41/2023 AND MCA ST.NO.420/2023 AND FA NO.1391/2017
Narayan s/o Maroti Sahare**

..VS..

VIDC, thr.Executive Engineer, Bembla Project Division, Yavatmal and ors

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

Court's or Judge's Order

Shri N.B.Nakshane, Counsel for the Applicant.
Ms Ragini Babhulkar, Adv. h/f Shri M.A.Kadu, Counsel for NA No.1.
Ms T.H.Udeshi, AGP for NA Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 11/01/2023

1. By these applications, the applicant/appellant seeks condonation of delay of 281 days caused in filing application for restoration of first appeal dismissed on 22.6.2021 since the applicant/appellant has not filed private paper book.

2. As per contention of the applicant/appellant, due to pandemic situation, the applicant/appellant could not file applications for condonation of delay and for restoration of first appeal.

3. Advocate Ms Ragini Babhulkar h/f learned counsel Shri M.A.Kadu for non-applicant No.1 submits that there is no justifiable and reasonable cause for condonation of delay. Alternatively, she submits that if this Court condones the delay, it be condoned on waiver of interest.

4. Heard learned counsel for parties and perused record.

5. For reasons stated in applications, applications are allowed. The delay stands condoned, however the same shall be on

waiver of interest. The first appeal is restored to its original file.

6. Learned counsel for the applicant/appellant submits that filing of private paper book may be dispensed with as the matter is covered by judgment of this Court (Coram : Avinash G.Gharote, J.) in First Appeal No.1399/2017 decided on 1.12.2022.

7. In this view of the matter, filing of the paper book is dispensed with.

8. The first appeal be listed for final hearing on 16.1.2023.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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