

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

MISC CIVIL APPLICATION NO.297 OF 2022

IN
CROSS OBJECTION NO.57 OF 2013

IN
FIRST APPEAL NO.995 OF 2012

Jagan Marotrao Gulhane

Vs.

Executive Engineer (V.I.D.C.), Upper Wardha Project Division, Wardha(Amravati) and
others

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

Court's or Judge's orders

Ms. Varsha Wasu (Dhoble) Advocate for applicant.
Mr. M. A. Kadu, Advocate for non-applicant No.1.
Mr. K. L. Dharmadhikari, AGP for non-applicant Nos, 2 to 4.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 23/03/2023

This is an application for restoration of cross-objection.

Learned Advocate Mr. Kudu waives notice for non-applicant No.1.

Learned AGP Mr. Dharmadhikari waives notice for respondent Nos.2 to 4.

The reasons mentioned in the application is that when the matter is called out on 4.1.2020 the counsel for the applicant – cross-objector could not reach within time, and therefore, matter was dismissed.

Considering the ground that the counsel could not reach within time before the Court, the litigant cannot be punished for the mistake of the counsel and

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the litigant to be permitted to cause their litigation on merits.

For giving proper opportunity to the cross-objector, civil application is allowed and cross-objection is restored at its original stage.

Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate