

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

CIVIL APPLICATION (CAO) NO. 257 OF 2022
IN
MISC. CIVIL APPLICATION (ST.) NO. 1346 OF 2021
IN
FIRST APPEAL NO. 757 OF 2015

V.I.D.C. THR. ITS EXECUTIVE ENGINEER, LOWER WARDHA PROJECT DIVISION, WARDHA

...VERSUS...

RAMRAO S/O. SHYAMRAO BURGHATE, AND ORS.

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

Court's or Judge's order

Shri S.K.Bhoyar, Advocate for applicant/appellant.
Shri M.A.Kadu, AGP for respondent nos. 2 and 3.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 21st JUNE, 2023

The present application is filed by the appellant/applicant for condonation of delay in filing the application for restoration of First Appeal.

2. The appeal was admitted and six weeks' time was granted to file private paper book vide conditional order dated 29/01/2019, however, same could not be filed as some time was consumed in printing of paper book. Though I am inclined to allow the application, however, as no due diligence is shown by the learned counsel, it is subject to costs. Accordingly, the application is allowed.

3. Delay in filing restoration application is hereby condoned, subject to costs of Rs. 3,000/- to be paid within two weeks with the Library of High Court Bar Association, Nagpur.

4. Registry is directed to register the restoration application bearing Misc. Civil Application (St.) No. 1346 of 2021.

5. Accordingly, the application stands disposed of.

MISC. CIVIL APPLICATION (ST.) NO. 1346 OF 2021

For the reasons stated in the application, application is allowed. The conditional order dated 29/01/2019 passed by Registrar (J) is hereby quashed and set aside.

2. Registry is directed to restore the First Appeal on its original number after deposit of costs as directed in above CAO No. 257/2022.

3. Accordingly, the application stands disposed of.

FIRST APPEAL NO. 757 OF 2015

After restoration of First Appeal on its original number, learned counsel for the appellant to file paper book within two weeks.

2. Registry is directed to accept the paper book which is already prepared in old file.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar