

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

CIVIL APPLICATION (CAO) NO.160 OF 2023
IN
MISC. CIVIL APPLICATION STAMP NO.2117 OF 2023
IN
FIRST APPEAL STAMP NO.14615 OF 2021

VIDC, through its Executive Engineer, Medium Project Division, Yavatmal,
Dist Yavatmal and another
Vs.
Ganesh Madhav Kumbhare 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. Mallika Babhulkar, Advocate h/f Mr. M. A. Kadu, Advocate for the appellants.
Ms. Shamsi Haider, AGP for respondent Nos. 2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/02/2023

1. By preferring this application, the appellants are seeking condonation of delay of 99 days in filing restoration application.
2. As per the contention of the appellants, appellants have challenged the award and decree passed by the Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Authority, Nagpur.
3. The Registrar by order dated 27.9.2022 has passed conditional order for removing the office objection within a period of 14 days, failing which the registration shall stand refused. As the office objection was not removed, the appeal was dismissed.

4. The learned Advocate Ms. Mallika Babhulkar holding for Mr. Kadu, learned Advocate for the appellant submitted that said office objection and conditional order was not noted by the appellants, and therefore office objection is not removed. The order of dismissal was inadvertently not noted, and therefore delay caused is reasonable one.

5. In view of the reasons mentioned in the application, the delay of 99 days is hereby condoned.

6. Misc. Civil Application for restoration be registered.

7. Civil Application is disposed of.

Misc. Civil Application No. _____/2023

1. On removing the office objection within three weeks, the appeal be restored at its original stage. On failure of removing the office objection, the appeal stands dismissed without further reference to the Court.

2. Misc. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate