

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

CIVIL APPLICATION (CAO) NO. 676/2021 IN MISC. ST.
NO. 2826/2021 IN RC NO. 621/20019 (FAST NO. 27608/2018)

Smt. Jyotibai Wd/O Devidas Rathod And Another

Vs

The Executive Engineer, Minor Irrigation Department, Pusad, Yavatmal And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.V. Ingole, Advocate for the appellants.

Shri M.A. Kadu, AGP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10/02/2023.

1. By this application, the applicants are seeking condonation of delay in filing the revision application against the order passed by the Registrar (Judicial), by which the Registration is rejected.

2. As per the contention of the applicant, the above said matter was listed before the Registrar (J) on 02/07/2019 for removing the office objections. It is inadvertently not noted by the learned advocate and therefore, Registrar (J) has rejected the Registration of the appeal.

3. As per the contention of the applicants, that land owners have filed this appeal for enhancement of the compensation. The land of the applicants are already acquired and they have received the inadequate compensation. Therefore, they be permitted to litigate their

cause by condoning the delay. There is just and reasonable cause for condonation of delay.

4. Shri M.A. Kadu, learned AGP has no objection for condonation of delay, subject to waiver of the interest. The delay is condoned.

5. Heard learned advocate for the parties. Perused the application.

6. The registration is rejected long back in the year 2019 i.e. on 02/07/2019. The reason mentioned by the applicants are that the learned advocate has not noted the objections.

7. It is admitted position that the applicants are not attending the Court proceedings at the appellate stage and therefore, it is the duty of the learned advocate to remove the office objections by communicating the same to the litigants.

8. Considering the reason for the fault of the counsels, the applicants cannot be punished. The delay is for the reasonable cause. In view of that, the application deserves to be allowed. Subject to the waiver of the interest for delayed period, if the applicants succeeded in the appeal.

9. Besides the waiver of the interest, as office objections are not removed in the time as well as the application is filed belatedly for restoration of the appeal. Therefore, the delay is condoned subject to the costs of

Rs 500/-. The costs to be deposited with the High Court Bar Association, Nagpur.

Civil application is disposed of.

M.C.A. ST. NO. 2826/2021

1. In view of the reasons mentioned in the application, the appeal is restored at its original stage, subject to the removal of the office objections within a period of two weeks.

2. On failure to remove the office objections, the appeal stands dismissed without further reference to the Court.

Misc. Civil Application Stamp No. 2826/20021 is disposed of.

JUDGE