

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

MISC. CIVIL APPLICATION NO. 299/2022 IN
FIRST APPEAL NO. 911/2014

VIDC, Through Its Executive Engineer, Buldhana Vs Vyankat Martandrao Shigne And 2 ors

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

Court's or Judge's Order

Mr Abhijeet Parihar, Advocate for the appellant.

Ms T.H. Udeshi, AGP for the respondent Nos. 2 and 3.

Mr K.S. Narwade, Advocate for the respondent No.1/Cross-objector.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/02/2023.

1. Heard.
2. By preferring this application, the appellant is seeking restoration of the First Appeal bearing No. 911/2014, which was dismissed vide order dated 12/12/2019.
3. As per the contention of the learned advocate for the appellant, the present appeal was listed for order, on filing of private paper-book and this Court has passed conditional order, directing the appellant to file private paper-book within a period of six weeks and also to deposit the costs of Rs. 1000/-.
4. Though, the private paper-book was ready, inadvertently it could not be filed. In the meantime, the instant matter was transferred to other advocate. Hence, the private paper-book could not be filed within stipulated period.

Therefore, the first appeal came to be dismissed by order dated 12/12/2019.

5. As per the contention of the appellant that in-inadvertently, due to change in advocate, the private paper-book was not filed. Thus there is a reasonable cause, however, the appeal is dismissed and prayed for restoration of the appeal.

6. The respondents have no objection for the restoration of the appeal.

7. In view of the reasons mentioned in the application, the appeal be restored as its original stage, after depositing the costs of Rs. 1000/- which was directed to deposit.

Place the matter for final hearing on 27/02/2023 at 2.30 p.m.

JUDGE