

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

CIVIL APPLICATION (O) NO.398 OF 2022

IN

MISC. CIVIL APPLICATION (ST) NO.3170 OF 2022

IN

FIRST APPEAL NO.1077 OF 2015

[Shri Dinesh S/o Gokul Chore ..V/s.. The State of Maharashtra and Ors.]

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

Court's or Judge's order

Mr C. R. Najbile, Advocate for Applicant/Appellant.
Mr M. A. Kadu, AGP for Respondent Nos.1 and 2.
Ms Ashwini S. Athalye, Advocate for Respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 6th MARCH, 2023.

. This is an application for condonation of delay, which is caused in filing the restoration application.

2. Mr Kadu, learned Assistant Government Pleader waives notice on behalf of respondent Nos.1 and 2. Ms Athalye, learned Advocate appeared and waives notice for respondent No.3.

3. As per the contention of the appellant, this appeal has been preferred against the judgment and award dated 23.04.2015 passed by the Civil Judge Senior Division, Wardha, in LAC No.48 of 2008. As the paper-book was not filed, this Court passed the conditional order, wherein the appeal is dismissed. As per contention of appellant, the said conditional order was not noted due to inadvertence and when it was noted, there was delay of 257 days. There is just and reasonable cause for condonation of delay.

4. In view of the reasons mentioned in the application, delay of 257 days is condoned subject to the costs of Rs.200/-. The costs be paid to the Vidarbha Lady Lawyers Association.
5. Civil Application No.398 of 2022 is disposed of.

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6. On filing of paper-book within two weeks, the appeal be restored on its original stage.
7. On failure to furnish the paper-book, the earlier order passed by this Court will survive.
8. Civil application is disposed of.

JUDGE

TAMBE