

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

CAO NO.304/2023 AND MCA ST.NO.4093/2023 IN FA NO.532.15
VIDC, Nagpur, thr.its Executive Engineer, Lower Wardha Project Division, Wardha
..VS..
Shri Madhukar Rajaram Kale, since deceased thr.his LRS and ors

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

Court's or Judge's Order

.....
Shri M.A.Kadu, Counsel for the Applicant.
Ms Varsha Wasu, Counsel for NA Nos.1 to 3.
Mrs.Shamsi Haider, AGP for NA Nos.4 and 5.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 02/03/2023

1. At the outset, learned counsel Shri M.A.Kadu for the applicant submits that non-applicant No.1 died.
2. The applicant to take necessary steps to bring legal heir(s) of non-applicant No.1 on record.
3. The civil application is filed for condonation of delay caused in filing Misc.Civil Application for restoration of appeal dismissed for non-filing of paper book and the Misc. Civil Application is filed for restoration of the first appeal. Delays is of 297 days.
4. Learned counsel Ms Varsha Wasu waives service of Notices on behalf of non-applicant Nos.1 to 3 and learned Assistant Government Pleader Mrs.Shamsi Haider waives service of Notices on behalf of non-applicant Nos.4 and 5.
5. Respondent Nos.1 to 3 are facing litigation since last twenty years and even have not yet received any compensation. Also, due to fault on the part of counsel, paper book could not be filed. For the fault on the part of counsel litigants should not suffer.
6. In this view of the matter, for reasons stated in

applications, the delay is condoned. The first appeal is restored to its original file, however the same shall be subject to filing of paper book within a period of four weeks from today.

7. The civil application and the Misc.Civil Application stand **disposed** of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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