



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

CIVIL APPLICATION (CAO) NO. 567 OF 2020
IN
MISC. CIVIL APPLICATION (ST.) NO. 4540 OF 2020
IN
FIRST APPEAL (ST) NO. 9413 OF 2019

Vitthal S/o. Dattarao Deshmukh

VS.

The Executive Engineer, Yavatmal and others

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

Mr S. S. Nemade, Adv. h/f. Mr S. U. Nemade, Advocate for the appellant
Mr M A. Kadu, Advocate for respondent No. 1
Mr Trupti Udeshi, AGP for respondent Nos. 2 and 3

CORAM : G.A. SANAP, J.

DATE : OCTOBER 6, 2023.

Heard.

2. Issue notice to the respondents.
3. Learned Advocate Mr M. A. Kadu waives service of notice on behalf of respondent No.1.
4. Learned AGP waives service of notice on behalf of respondent Nos. 2 and 3/State.
5. This is an application for condonation of 72 days delay caused in filing civil application for setting aside dismissal order dated 26.11.2019. The reasons have been

stated in the application.

6. In view of the reasons stated in the application, the application is allowed.

7. Delay of 72 days stands condoned.

8. The Misc. Civil Application be registered.

9. However, it is made clear that from the date of dismissal till date the appellant shall not be entitled to get the interest or any other statutory benefit for this delayed period.

10. The application stands **disposed of**, accordingly.

MISC. CIVIL APPLICATION (St.) NO.4540 of 2020

11. Heard.

12. Learned Advocate Mr M. A. Kadu waives service of notice on behalf of respondent No.1.

13. Learned AGP waives service of notice on behalf of respondent Nos. 2 and 3/State.

14. It is stated that the requisite Court fee could not be paid due to poor condition of the appellant and therefore, the matter was dismissed for default. It is stated that the

mistake was not deliberate or intentional. In view of the reasons stated in the application, the application is allowed. The dismissal order dated 26.11.2019 is set aside.

15. The First Appeal (st.) No.9413 of 2019 be restored to its original file.

16. Learned Advocate for the appellant undertakes to pay requisite court fee within a week.

17. The Misc Civil Application stands **disposed of**, accordingly.

(G. A. SANAP, J.)

Namrata