

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

CIVIL APPLICATION (CAO) NO. 465 OF 2023
IN
MISC. CIVIL APPLICATION (ST.) NO. 5311 OF 2023
IN
FIRST APPEAL NO. 244 OF 2014

V. I. D. C. THR. ITS EXECUTIVE ENGINEER, LOWER WARDHA PROJECT DIVISION, WARDHA

...VERSUS...

KISHORE VISHWASRAO SHIRPURKAR AND ORS.

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

Court's or Judge's order

Shri Abhijit Parihar, Advocate for applicant/appellant.
Ms. T.H.Udeshi, AGP for respondent nos. 2 and 3.

CORAM : SMT. M. S. JAWALKAR,J.
DATE : 10th AUGUST, 2023

Though respondent no. 1 is served, he remains absent.

2. Ms. T.H.Udeshi, learned AGP is present on behalf of respondent nos. 2 and 3.

3. I have heard learned counsel for the applicant.

4. It appears that this Court vide order dated 29/11/2019 had imposed the costs of Rs. 1,000/-, as in spite of sufficient time granted, no paper book was filed within time. Accordingly, the matter was dismissed without reference to the Court as the costs was not deposited.

5. The present application is filed for condonation of delay in filing application for restoration of First Appeal. There is delay of 409 days.

6. As referred above, sufficient opportunity was granted to the appellant to file paper book. However, for the reasons stated in the application, I am inclined to condone the delay subject to costs. As such, the application is allowed.

7. Delay in filing application for restoration of First Appeal is hereby condoned, subject to payment of additional costs of Rs. 1,000/- in addition to the costs of Rs. 1,000/- as directed vide order dated 29/11/2019 (i.e. total costs of Rs. 2,000/-) with the High Court Bar Association, Nagpur, within a period of two weeks.

8. After depositing the costs, Registry is directed to register the application for restoration of First Appeal.

9. Accordingly, the application stands disposed of.

MISC. CIVIL APPLICATION (ST.) NO. 5311 OF 2023

For the reasons stated in the application, the application is allowed.

2. After depositing the costs as directed above in CAO No. 465/2023, Registry is directed to restore the First Appeal.

3. Accordingly, the application stands disposed of.

FIRST APPEAL NO. 244 OF 2014

After restoration of First Appeal, the appellant to file paper book within a period of one week.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar