

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

**CIVIL APPLICATION (CAO) NO. 357 OF 2023**  
**IN**  
**MISC. CIVIL APPLICATION (ST.) NO. 5340 OF 2023**  
**IN**  
**SECOND APPEAL (ST.) NO. 8582 OF 2022 (REJ.)**

V.I.D.C. NGP. REP. BY EXE. ENGG., MEDIUM PROJECT DIV., CHANDRAPUR (EXE. ENGINEER TULTULL  
PROJECT DIV., GADCHIROLI, NOW ABOLISHED)

**...VERSUS...**

M/S. N. KUMAR CONSTRUCTION COMPANY, CIVIL LINES, NAGPUR AND ORS.

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

*Court's or Judge's order*

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Ms. Mallika Babhulkar, Advocate h/f. Shri M.A.Kadu, Advocate for appellant.

**CORAM : SMT. M. S. JAWALKAR, J.**  
**DATE : 14<sup>th</sup> MARCH, 2023**

Leave to amend is granted.

2. The present application is filed for condonation of delay in filing restoration application.

3. There is delay of 196 days in filing restoration application. The Second Appeal (St.) No. 8582/2022 stood refused/dismissed for want of removal of office objections. It is submitted that due to inadvertent mistake, listing of matter was not noted and objections remained to be removed. When the appellant was seeking circulation in the matter, he came to know about order of Registrar (J) dismissing the Second Appeal. In view of the above reasons, I am inclined to allow the application, however, subject to costs as no due diligence shown by Advocate. Accordingly, the application is allowed.

4. Delay in filing restoration application is hereby condoned, subject to costs of Rs. 1,000/- to be paid to Vidarbha Lady Lawyers' Association, Nagpur within a period of two weeks.
5. Registry is directed to register the restoration application bearing MCA (St.) No. 5340/2023.
6. Accordingly, the application stands disposed of.

**MISC. CIVIL APPLICATION (ST.) NO. 5340 OF 2023**

The present application is supported by affidavit of learned counsel appearing for the applicant. For the reasons stated in the application, application is allowed.

2. The Order dated 04/08/2022 passed by Registrar (J) is hereby set aside.
3. Registry is directed to register the Second Appeal (St.) No. 8582/2022 on depositing the costs as directed above in CAO No. 357/2023.
4. Accordingly, the application stands disposed of.

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

B.T.Khapekar