

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

**CIVIL APPLICATION NO.529 OF 2023 IN
MISC. CIVIL APPLICATION (ST.) NO.5483 OF 2023 IN
FIRST APPEAL NO.1076 OF 2015**

(Haridas Vasudeo Matre Vs. The State of Maharashtra and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C.R. Najbile, Advocate for the appellant.
Ms A.S. Athalye, Advocate for R. No.3.
Ms Udeshi, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 11, 2023.

Heard.

2. This is an application for condonation of delay which is caused in filing the restoration application.
3. Issue notice to the respondents.
4. Ms Udeshi, learned Assistant Government Pleader for respondent Nos.1 and 2 and Ms A.S. Athalye, learned Counsel for respondent No.3, waive notice.
5. The appeal was dismissed for non-filing of paper book.
6. Shri Najbile, learned Counsel for the appellant submitted that the conditional order was passed by this Court and inadvertently not noted, and therefore, the delay is caused.
7. Said application is strongly opposed by the learned Assistant Government Pleader for respondent Nos.1 and 2 and learned Counsel for respondent No.3 on the ground that the delay is not properly explained.

8. In view of the reasons mentioned in the application and in the interest of justice delay of 721 days is condoned.

9. Civil application is disposed of.

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On filing of the paper book within three weeks, the appeal be restored at its original stage. On failure to file the paper book within above said period, earlier order passed by this Court will survive.

2. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*