

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO. 530/2023 IN MCA ST. NO. 5485/2023
IN F.A. NO. 1056/2015

Sunanda Sudhakar Rao Burghate

Vs

State Of Maharashtra Through Collector, Wardha And 2 Others

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

Court's or Judge's Order

Mr C.R. Najbale, advocate for the applicant/appellant.
 Mr M.A. Kadu, AGP for the respondent Nos. 1 and 2.
 Ms Anjali Agrawal, advocate h/f Ms A.S. Athalye, advocate for the
 respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/04/2023.

1. Heard.
2. The present application is for seeking condonation of delay which is caused in preferring the restoration application.
3. Mr M.A. Kadu, learned AGP waives service of notice on behalf of respondent Nos. 1 and 2.
4. Ms Anjali Agrawal, advocate holding for Ms A.S. Athalye, learned advocate waives service of notice on behalf of respondent No.3.
5. As per the contention of the applicant that inadvertently, the applicant has not noted the conditional order of this Court about the filing of the private paper-book. In the meantime, the record and

proceedings was sent back to the reference Court. Thereafter, the applicant has obtained the certified copies of the reference Court. Therefore, delay of 634 days is caused in filing the application for restoration.

6. The said application is strongly opposed by learned AGP for respondent Nos. 1 and 2 as well as Ms Agrawal, advocate holding for Ms A.S.Athalye, learned advocate for respondent No.3 on the ground of delay is not properly explained.

7. In view of the reasons mentioned in the application, the delay is caused which appears to be just and reasonable. The delay deserves to be condoned, subject to the waiver of the interest for 634 days.

In view of the above, the civil application is disposed of.

Misc. Civil Application St.No. 5485/2023

1. On the filing of the private paper-book within a period of three weeks, the appeal be restored on its original stage.

2. On failure to file a private paper-book, the earlier order passed by this Court will survive.

Misc. Civil Application is disposed of.

JUDGE