



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

CIVIL APPLICATION (C.A.O.) NO. 215 OF 2020 IN
MISC. CIVIL APPLICATION (ST) NO.6935 OF 2019 IN
FIRST APPEAL ST. NO. 19425 OF 2015

Jijabai Gunwant Bhusale

.Vs.

The State of Maharashtra and Ors.

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

Shri R.J. Shinde, Advocate for the appellant.

Shri M.A. Kadu, AGP for respondent Nos.1 and 2.

CORAM : G.A. SANAP, J.

DATE : 21/09/2023

Heard.

2. This is an application for condonation of 1164 days delay caused in filing M.C.A. against the order setting aside the dismissal order.
3. The reasons have been stated in the application.
4. Learned AGP for the respondent Nos.1 and 2 submits that there was delay of 2866 days delay in filing the appeal. It is pointed out that after dismissal of the appeal, there is delay of 1164 days in filing application for restoration of appeal. Learned AGP submits that if delay is condoned then appellant may not be granted interest and other benefits for this period as well.
5. In my view, the submissions is just and reasonable.

6. Accordingly, the application for condonation of delay is allowed.

7. The delay of 1164 days in filing the application for restoration is condoned subject to condition that the appellant will not be entitled to get interest and other benefits for the delayed period of 1164 days.

8. The application stands disposed of, accordingly.

MISC. CIVIL APPLICATION (ST) NO.6935 OF 2019

1. Heard.

2. This is an application for setting aside dismissal order and restoration of first appeal.

3. The reasons have been stated in the application.

4. In view of the reasons stated in the application, the application is allowed. The dismissal order dated 05.01.2016 is set aside.

5. The appeal be restored to its original number.

6. The application stands disposed of.

FIRST APPEAL ST. NO. 19425 OF 2015

1. Heard.

2. Issue notice to the respondents, returnable within eight weeks.

3. Learned AGP waives service of notice on behalf of respondent Nos.1 and 2.

(G. A. SANAP, J.)