

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

CIVIL APPLICATION (CAO) NO. 494/2023 IN
MISC. CIVIL APPLICATION ST NO. 6867/2023
IN FIRST APPEAL NO. 800/2017

Executive Engineer, Lower Pus Project, Yavatmal And Another
Vs
Damdu Babanrao Rathod and others

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

Court's or Judge's Order

Mr S.V. Ingole, counsel h/f Abhijit Parihar, counsel for the appellants
Mr Nakshane, counsel for the respondent No.1.
Mr M.A. Kadu, AGP for the respondent Nos. 2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/04/2023.

1. Heard.
2. This is an application for condonation of delay which is caused in preferring the restoration application to restore the First Appeal No. 800/17.
3. Mr Nakshane, learned counsel waives service of notice on behalf of respondent No.1.
4. Mr M.A. Kadu, learned AGP waives service of notice on behalf of respondent Nos. 2 and 3.
5. As per the appellants, the private paper book was not filed by the appellants as the appellants have not noticed the conditional order of this Court. There was no intention of non-filing of the private paper-book. Now,

the private paper-book is ready and appellants will file the same.

6. In view of the reasons mentioned in the application, a delay of 47 days is condoned.

Civil application is disposed of.

MISC. CIVIL APPLICATION ST. NO. 6867/2023

1. On filing of private paper-book within a period of four weeks, the appeal be restored to its original stage.
2. On failure to file a private paper book within a period of four weeks, the order passed by this Court will survive.

Misc. Civil Application disposed of.

JUDGE