



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

CIVIL APPLICATION (O) NO. 581 OF 2023
IN
MISC. CIVIL APPLICATION (STAMP) NO. 7518 OF 2023 (restoration)
IN
CIVIL APPLICATION (F) NO. 3206 OF 2015
IN
FIRST APPEAL STAMP NO. 13607 OF 2015

The Executive Engineer P. W. D. Gondia and others vs. Shri. Rameshwar Narsingdas
Mundra through LR.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Smt. Trupti Udeshi, AGP for applicants.

CORAM : SMT. M. S. JAWALKAR J.

DATE : 08/06/2023

Instead of service to the respondents for want of appearance, present application is filed for condonation of delay in filing application for restoration of first appeal. It appears that by order dated 17/09/2019, the applicant original appellants are directed to deposit costs of Rs.2000/- to the High Court Legal Aid Services Sub-Committee, Nagpur within a period of six weeks.

2. By order dated 06/09/2021, time was extended by six weeks to deposit the costs; failure to

which matter would be dismissed without reference to the Court. However, costs was not deposited, therefore, application for restoration of first appeal was dismissed.

3. Learned AGP submitted that inadvertently said costs could not be deposited within stipulated time. She is ready to deposit costs with immediate effect.

4. I am inclined to allow the application, however, as no due diligence is shown by the office of the learned AGP the application is allowed subject to deposit costs of Rs.5000/- (which includes costs of Rs.2000/-) with the High Court Legal Aid Services Sub-Committee Nagpur within a period of **two weeks**; failure to which the application shall stands dismissed without reference to the Court.

5. After depositing the amount of costs, Registry is directed to restore the first appeal on its original number.

6. Authenticated copy of this order be supplied to the party concerned.

JUDGE