

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

CIVIL APPLICATION (CAO) NO.582 OF 2023
IN
MISC. CIVIL APPLICATION STAMP NO.7659 OF 2023
IN
FIRST APPEAL STAMP NO.605 OF 2016

Ramesh Dyanoba Parimal

Vs.

The State of Maharashtra, through the Collector, Yavatmal and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. B. Nakshane, Advocate for appellant.
Mr. M. A. Kadu, AGP for respondent Nos.1 and 2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/04/2023

1. The present application is for condonation of delay which is caused in filing revision against the order of the Registrar.
2. The appeal was filed against the Judgment and Award passed by the Civil Judge Senior Division, Yavatmal in Land Acquisition Case No.86/2008. The Registrar (Judicial) has raised some office objections and conditional order was passed that office objections to be removed within 14 days. The said office objections are not removed and, therefore, appeal was dismissed by the Registrar (Judicial).
3. As per the contention of the learned Advocate, the appellant failed to notice the said

conditional order and, therefore, could not remove the office objection and appeal is dismissed. Even the order of dismissal is also not noticed by the learned Advocate and, therefore, delay of 1756 days is caused in preferring the application. As per contention of the appellant that he has preferred this appeal for the enhancement of the compensation for technical reasons. He cannot be deprived of from litigating his cause and hence delay be condoned.

4. Heard learned Advocate Mr. Nakshane for the applicant. Perused the application. It is apparent that inadvertently, as the conditional order was not noticed and, therefore, office objection is not removed. It is well settled that while considering the delay condonation application, liberal approach is to be taken to do the substantial justice. The reason mentioned in the application appears to be just and reasonable one. However, considering that, the present claimant has filed this appeal for enhancement of the compensation and are not diligent in removing the office objection. In view of that, delay deserves to be condoned subject to the waiver of the interest of 1756 days which is caused in filing the restoration application for setting aside the order passed by the Registrar (Judicial).

5. In view of that, delay is condoned subject to the waiver of the interest for 1756 days, if appellant succeeds in the appeal.

6. Civil Application is disposed of.

(3)

39.cao.582.2023

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On removal of the office objection within
two weeks, appeal be restored at its registration stage.

Misc. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate