

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

CIVIL APPLICATION (CAO) NO.879 OF 2022
IN
MISC. CIVIL APPLICATION STAMP NO.10450 OF 2021
IN
FIRST APPEAL NO.125 OF 2017

Nirmala Shantaram Jawalkar

Vs.

The State of Maharashtra, through the Collector, Amravati 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.
Ms. T. H. Udeshi, AGP for respondent Nos.1 and 2.
Mr. M. A. Kadu, Advocate for respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/04/2023

1. This application is seeking condonation of delay of 256 days which is caused in preferring the restoration application.
2. Learned AGP Ms. Udeshi, waives notice for respondent Nos.1 and 2.
3. Learned Advocate Mr. Kadu waives notice for respondent No.3.
4. As per contention of the appellant that conditional order was passed to file the paper book within the period of three months. Learned Counsel inadvertently not noted the said order and, therefore, appeal was dismissed. As learned Counsel has not noted the conditional order in the result of which the appeal

was dismissed which was also not acknowledged and, therefore, delay of 256 days is caused in preferring the appeal.

5. The said application is strongly opposed by the respondents on the ground that delay is not properly explained. It is pertinent to note that the appellant is not attending the proceedings at the appellate stage and they relied upon their Counsel. The learned Counsel has not noted the conditional order and, therefore, delay is caused. Considering the reason mentioned in the application and the appellant cannot be deprived for the technical reasons from claiming the enhancement compensation. The reason mentioned in the application is just and proper. Hence, delay is condoned.

6. Civil application is disposed of.

MISC. CIVIL APPLICATION STAMP NO.10450 OF 2021

1. On filing the paper book within six weeks, the appeal be restored at its original stage.

2. On failure to file paper book within six weeks, the earlier order passed by this Court will survive.

3. Misc. Civil Application is disposed of.

4. Call for record and proceeding from the Reference Court to file the paper book.

(URMILA JOSHI-PHALKE, J.)