

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

CIVIL APPLICATION (CAO) NO. 944/2023 IN
MISC. CIVIL APPLICATION STAMP NO. 11925/2023

Rupesh Pandurang Kapharde

Vs.

The Executive Engineer, Kumbharkinhni Dam Division, Pusad and others

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

Court's or Judge's orders

Shri A.B. Nakshane, Advocate for appellant
Ms T.H. Udeshi, AGP for respondent Nos. 2 & 3

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 09/08/2023

Present application is filed for condonation of delay in filing revision against Registrar's order. It is submitted that the above referred matter is dismissed by the conditional order of Registrar dated 15/09/2015, for non removal of office objections. It is submitted that due to inadvertent mistake on the part of appellant, the matter could not be marked in the cause list and matter was dismissed by Registrar (Judicial) for non removal of office objections. There is a delay of 2102 days in filing application for restoration.

2. Application is supported by affidavit of concerned Advocate. As such, application needs to be allowed.

3. However, as no due diligence is shown, the application is allowed, subject to costs of Rs.2000/- to be deposited with the High Court Bar Library.

4. Registry is directed to register Misc. Civil Application Stamp No. 11925/2023.

5. Application stands disposed of.

MISC. CIVIL APPLICATION STAMP NO. 11925/2023

Present application is filed for setting aside conditional order passed by Registrar (Judicial) on 15/09/2015, whereby registration of first appeal stands refused for non removal of office objections. It is submitted that due to inadvertent mistake, the office objections could not be removed. Accordingly, application is allowed.

2. The order passed by learned Registrar (Judicial) is hereby set aside, subject to deposit of costs as per order passed in Civil Application No. 944/2023.

3. After registration of the first appeal, the appellant to remove office objections within two weeks.

4. It is made clear that appellant could not be entitled for any interest or enhanced compensation for the delayed period in moving application for restoration.

5. Application stands disposed of.