



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

CIVIL APPLICATION (O) NO. 941 OF 2023
IN
MISC. CIVIL APPLICATION (STAMP) NO. 11927 OF 2023
IN
FIRST APPEAL NO. 996 OF 2015

BABAN PUNDALIK DEEVE

VS.

THE EXECUTIVE ENGINEER KUMBARKINHI DAM DIVISION, PUSAD TQ. PUSAD, DIST. YAVATMAL
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.
Shri. A. M. Kukday, Advocate for respondent No.1.
Shri. K.L.Dharmadhikari, AGP for respondent Nos.2 & 3.

CORAM : SMT. M. S. JAWALKAR J.

DATE : 18/07/2023

CIVIL APPLICATION (O) NO. 941 OF 2023

The present application is filed for condonation of delay in filing restoration application. There is a delay of 823 days in preferring the restoration application in first appeal. There is a conditional order passed by this Court on 25/01/2019, and time to file the private paper-book was extended by a period of six weeks as a last chance.

2. Learned counsel for the appellant submitted that the appellant could not file the private paper book within prescribed time limit, hence, the matter came to be dismissed in view of the conditional order of this Court.

3. Though, I am not satisfied with the reasons given by the applicant, however, to avoid loss to the applicant and matter is already covered by some other decision in First Appeal, therefore, I am inclined to allow the application subject to costs.

4. Accordingly, application is allowed and delay in filing the restoration application is hereby condoned, subject to payment of costs of Rs.1000/- (Rupees One Thousand only) to be paid in High Court Bar Association within two weeks. Registry is directed to register Miscellaneous Civil Application after depositing costs.

MISC.CIVIL APPLICATION(STAMP)NO.11927 of 2023

Present application is filed for restoration of First Appeal No.996 of 2015, which was dismissed by a conditional order of this Court. The application is allowed subject to payment of costs as directed in Civil Application (Stamp) No.941 of 2023.

2. Registry is directed to restore the First Appeal No.996 of 2015.

FIRST APPEAL NO.996 OF 2015

Issue notice to the respondents, returnable within two weeks. Learned counsel Shri. A. M. Kukday, waives notice on behalf of respondent No.1 and learned AGP waives notice on behalf of respondent No.2 and 3.

2. The appeal be listed in the first week of August, 2023, if costs is deposited within time prescribed.

JUDGE