

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION (O) NO.654 OF 2021**

**IN**

**MISC. CIVIL APPLICATION (ST) NO.11293 OF 2020**

**IN**

**FIRST APPEAL NO.560 OF 2017**

[Vidarbha Irrigation Development Corporation ..V/s.. Tarachand S/o  
Mithalal Solanki and Ors.]

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

*Court's or Judge's order*

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Ms A. S. Athalye, Advocate for Applicant.

Mr C. R. Najbile, Advocate for Respondent Nos.1 to 4.

Ms T. H. Udeshi, AGP for Respondent Nos.5 and 6.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATE : 18<sup>th</sup> APRIL, 2023.**

. Present application is for condonation of delay of 1201 days, which is caused in filing the restoration application.

2. Mr Najbile, learned Advocate waives notice for respondent Nos.1 to 4 and Ms Udeshi, learned Assistant Government Pleader waives notice for respondent Nos.5 and 6.

3. Vide order dated 04.04.2017, the applicant/appellant was directed to file paper-book within twelve weeks and conditional order was passed that appeal shall stand dismissed on failing of filing of paper-book within twelve weeks.

4. As per the contention of the appellant, the conditional order inadvertently not noticed by the appellant. The further contention raised that previous Advocate Mr B. N. Jaipurkar for appellant did not file paper book within twelve weeks, and therefore, the appeal was dismissed. After noticing the order passed by this Court, now paper book is ready and appellant can

file the same immediately. It is submitted by Ms Athalye, learned Advocate that there are sufficient and reasonable causes for condonation of delay. The appellant is a statutory body and it cannot be deprived of raising the issue of excessive and exorbitant compensation on the technical reasons. The law is well settled that while considering the delay condonation application, liberal approach is to be taken to do the substantial justice.

5. Mr Najbile, learned Advocate has raised the objection on the ground that the delay is not sufficiently explained.

6. Considering the reasons mentioned in the application, the application is allowed and delay of 1201 days is condoned.

7. Civil application is disposed of.

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8. For the reasons stated in the application, the application is allowed subject to filing of the paper book within two weeks from today.

9. The civil application is disposed of.

**JUDGE**