

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

CIVIL APPLICATION (CAO) NO.917 OF 2022
IN
MISC. CIVIL APPLICATION STAMP NO.12785 OF 2022
IN
FIRST APPEAL NO.978 OF 2016

Gajanan s/o Dashrath Bondare

Vs.

The State of Maharashtra through the Collector, Buldhana 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. S. V Ingole, Advocate for appellant.

Ms. Shamsi Haider, AGP for respondent Nos.1 and 2.

Ms. Mallika Babhulkar, Advocate h/f Mr. M. A. Kadu, Advocate for respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 08/02/2023

1. By preferring this application, the appellant is seeking condonation of delay which is caused in filing the restoration of the First Appeal No.978/2016.
2. The learned AGP waives notice for respondent Nos.1 and 2.
3. The learned Advocate Ms. Mallika Babhulkar holding for Mr. Kadu, waives notice for respondent No.3.
4. As per the contention of the appellant as he is not filed the private paper-book, therefore appeal is dismissed. The ground raised by the appellant is that due to the Covid pandemic situation there was no communication between learned Advocate for the appellant and the appellant, and therefore the counsel

could not get the necessary documents to file the private paper-book, and therefore delay is caused.

5. The learned AGP for respondent Nos.1 and 2 and learned Advocate for the respondent No.3 raised objection on the ground that there is no reason and justifiable ground for condonation of delay.

6. Heard both the sides.

7. Considering the reasons mentioned in the application that due to the Covid pandemic period there was no communication between learned counsel and the appellant, learned counsel could not get the relevant papers to file private paper-book, and therefore delay of 134 is caused. The reason mentioned in the application appears to be just and reasonable one. In view of that delay caused is condoned subject to the waiver of the interest.

8. Civil application is disposed of.

MISC. CIVIL APPLICATION STAMP NO.12785 OF 2022

1. The appeal was dismissed because of non-filing of the private paper book. Now delay for the restoration application is already condoned.

2. In view of the reasons mentioned in the application, on filing of the private paper-book the appeal be restored at its original stage.

3. The appellant has to furnish the private paper-book within two weeks. On failure to comply with

(3)

32.cao.917.2022

this order, the appeal stands dismissed without further reference to this Court.

4. Civil Application is disposed of.

FIRST APPEAL NO.978 OF 2016

Stand over after four weeks.

(URMILA JOSHI-PHALKE, J.)

Sarkate