

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

**CIVIL APPLICATION (CAO) NO. 1392/2019 IN**  
**MISC. CIVIL APPLICATION STAMP NO. 14347/2019**

Ishwarsingh S/o Babusingh Bais and another

Vs.

Mohd. Nasir S/o Chhote Khan and other

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

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Ms Astha Sharma, Advocate h/f Shri PR. Agrawal, Advocate for appellants  
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**CORAM : SMT. M.S. JAWALKAR, J.**

**DATE : 21/07/2023**

Present application is filed for condonation of delay in filing restoration application. There is delay of 722 days. Though respondents have served, none for respondents. The appeal came to be dismissed for non filing of paper book within stipulated period.

2. For the reasons stated in paragraph Nos. 4 and 5, I am satisfied that the delay is caused as costs was not deposited, though paper book was filed. As such, application is allowed, subject to costs of Rs.1000/-, to be deposited with High Court Bar Library in addition to costs earlier imposed of Rs.500/-.

3. Delay in filing first appeal is hereby condoned.

4. The Registry is directed to register application for restoration of appeal.

5. Application stands disposed of.

**MISC. CIVIL APPLICATION STAMP NO. 14347/2019**

Present application is filed for restoration of appeal.

2. For the reasons stated in the application, the application is allowed.

3. Registry is directed to restore first appeal.

4. Paper book is already placed on record. The learned Counsel for appellant to deposit costs of Rs.1000/- with High Court Bar Library in addition to costs earlier imposed of Rs.500/-, within a period of three weeks as directed in Civil Application No.1392/2019.

5. After payment of costs, Registry is directed to restore first appeal.

**JUDGE**

*Jayashree..*