

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

CIVIL APPLICATION (CAO) NO.924 OF 2022
IN
MISC. CIVIL APPLICATION STAMP NO.14934 OF 2022
IN
FIRST APPEAL STAMP NO.25512 OF 2018

Mahesh s/o Babarao Wallabhwar

Vs.

The State of Maharashtra, Through District Collector, Wardha 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. K. S. Agrawal, Advocate h/f Mr. S. W. Sambre, Advocate for the
appellant/applicant.

Mr. K. L. Dharmadhikar, AGP for respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/03/2023

This application is for condonation of delay
in filing restoration application.

As per contention of the applicant, as the
Court fee was not deposited, conditional order was
passed by the Registrar (Judicial). Inadvertently, the
conditional order was not noticed by the learned
counsel. The appellant is a poor agriculturist and no
source of income as his land is already acquired.
Therefore, he could not deposit the Court fee within time
and hence the appeal is dismissed.

In view of the reasons mentioned in the
application and considering the grounds mentioned

(2)

32.cao.924.2022

therein, application is allowed. Delay of 323 days is condoned.

Civil Application is disposed of.

MISC. CIVIL APPLICATION STAMP NO.14934 OF 2022

On depositing the deficit Court fee, the appeal be restored at its original stage of registration.

On failure to deposit the deficit Court fee within four weeks, the earlier order passed by the Registrar (Judicial) will survive.

Misc. Civil Application is disposed.

(URMILA JOSHI-PHALKE, J.)

Sarkate