



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

**CIVIL APPLICATION (CAO) NO. 1227/2023**  
**IN**  
**MISC. CIVIL APPLICATION STAMP NO. 17464/2023**  
**IN**  
**SECOND APPEAL STAMP NO. 10288/2022**

M/s S.T. Kamble Construction through Shri S.T. Kamble, Nagpur  
Vs.

The Corporation of the City of Nagpur, through Municipal Commissioner, Nagpur

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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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Shri Pushkar Ghare, Advocate h/f Shri A.M. Ghare, Advocate for appellant

**CORAM : SMT. M.S. JAWALKAR, J.**  
**DATE : 10/10/2023**

Present application is filed for condonation of delay in filing application for restoration of Second Appeal Stamp No. 10288/2023, dismissed in default on 18/08/2022. It appears that the learned Counsel for appellant inadvertently not marked the matter which was listed on the board of learned Registrar (Judicial), on 04/08/2022 and conditional order came to be passed. As such, there is delay of 332 days in filing application for restoration of Second Appeal.

2. As such, I am inclined to allow the application, subject to costs of Rs.2000/-, as learned Counsel for appellant has not shown due diligence. Accordingly, application is allowed.

3. The delay in filing restoration application is hereby condoned, subject to costs of Rs.2000/-, to be deposited with High Court Bar Association, withing a period of two weeks.

4. Registry is directed to register Misc. Civil Application.

5. Application stands disposed of.

**MISC. CIVIL APPLICATION STAMP NO. 17464/2023**

Present application is filed for restoration of Second Appeal Stamp No. 10288/2023, dismissed in default on 18/08/2022. The matter was listed before the learned Registrar (Judicial) and conditional order came to be passed. However, due to inadvertent mistake, it appears that he could not notice the order and office objections

were not removed. After expiry of 14 days matter came to be dismissed.

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

3. The Order passed by Registrar (Judicial) dated 04/08/2022 and conditional order dated 18/08/2022 are hereby set aside, subject to payment of costs, as directed in Civil Application No. 1227/2023.

4. Registry is directed to restore Second Appeal on its original stamp No. 10288/2022.

5. After registration of Second Appeal the appellant to remove office objections within two weeks.

(SMT. M.S. JAWALKAR, J.)