

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

CIVIL APPLICATION (CAO) NO. 123/2023 IN M.C.A. ST.
NO. 20993/2022 IN FIRST APPEAL STAMP NO. 14095/2022

Shivram S/O Vithoba Mohitkar (Dead) Through Lrs. Rambhau S/O Shivram
Mohitkar And Another

Vs

Special Land Acquisition Officer, (Kanholi Nala Project), Nagpur And Another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Rajkumari Rai, Advocate for the Applicants/Appellants.

Mrs Shamshi Haider, AGP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 10/02/2023.

1. Heard.
2. By this application, the applicants are seeking condonation of delay of 30 days which is caused in filing the restoration application to restore the first appeal.
3. As per the contention of the applicants, the applicants have not noted the office objections inadvertently and therefore, the Registrar (Judicial) has rejected the registration.
4. It is apparent that, the delay of 30 days is caused as the learned counsel has not noted the said office objections. Considering the reasons mentioned in the application, the application deserves to be allowed. Subject to the waiver of interest, if the appeal is allowed in future.

5. Besides, the waiver of the interest as the learned counsel for the appellant has not taken steps to remove the office objections in time and this application is filed for condonation of delay for which, the reason of inadvertently, the office objections is not noted is mentioned. Therefore, the application deserves to be allowed, subject to the costs of Rs. 500/-.

6. The costs to be deposited with the Vidharbha Lady Lawyers Associations, Nagpur within a period of **two weeks**.

Civil Application is disposed of.

M.C.A. ST. NO. 20993/2022

1. In view of the reasons mentioned in the application, the first appeal is restored. Subject to condition that the appellants shall remove the office objections within a period of two weeks.

2. On failure to remove the office objections, the first appeal stands dismissed without further reference to the Court.

3. Misc. Civil Application is **disposed of**.

JUDGE