

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

**C.A.O. NO.122/2023 IN M.C.A. ST. NO.21446/2022 IN F.A. STAMP NO.10966/2021**

(SURESH BHAURAO THAORE **VERSUS** ADDITIONAL SPECIAL LAND ACQUISITION OFFICER (PENCH PROJECT), NAGPUR & ANOTHER)

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders.*

*Court's or Judge's order*

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Ms Rajkumari Rai, counsel for the applicant.

Ms T.H. Udeshi, Assistant Government Pleader for the non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATE : FEBRUARY 14, 2023.**

By this application, the applicant seeks condonation of delay which is caused in filing the restoration application after rejection of the registration of the first appeal.

As per the contention of the applicant, the applicant could not swear the affidavit within a period of fourteen days and therefore the Registrar (Judicial) rejected the registration of the first appeal. The applicant was not aware that the application for addition of a party was filed on the sixteenth day when the Registrar (Judicial) had directed the appellant to remove the Office objections within fourteen days. Since the applicant could not approach his counsel for filing affidavit, delay of seventy one days is caused.

The civil application is opposed by the learned Assistant Government Pleader on the ground that the reasons mentioned in the application are not justifiable and therefore the civil application deserves to be rejected.

Heard the learned counsel and perused the application.

It is apparent that the registration of the appeal is rejected as the applicant could not file affidavit in support of the application for addition of a party. It is well settled that the parties should be permitted to litigate their cause on merits and while considering the application for condonation of delay, liberal approach is to be taken.

In view of aforesaid, the delay of seventy one days caused in filing the restoration application is condoned. The civil application is disposed of.

**MISCELLANEOUS CIVIL APPLICATION STAMP NO. 21446/2022.**

For the reasons stated in the miscellaneous civil application, the same is allowed. The applicant to remove the Office objections if any within a period of two weeks and on removal of Office objections, the first appeal be restored for registration of the same.

The miscellaneous civil application is allowed in aforesaid terms and disposed of.

**(URMILA JOSHI-PHALKE, J.)**

APTE