

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

FIRST APPEAL NO.871 OF 2015

Vidarbha Irrigation Development Corporation through its Executive Engineer,
Khadakpurna Project, Dist. Buldhana

Vs.

Himmatrao Baburao Shingne and others

WITH

MISC. CIVIL APPLICATION NO.94 OF 2023

IN

FIRST APPEAL NO.229 OF 2015

Vidarbha irrigation Development Corporation through its Executive Engineer,
Khadakpurna Project, Buldhana

Vs.

Jankiram Shripat Shingne (deceased) Pundilik Jankiram Shingne (Deceased) through
legal heirs 1.) Madhav Pundlikrao Shingne 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. Abhijit Parihar, Advocate for appellant.

Mr. K. S. Narwade, Advocate for respondent No.1.

Ms. T. Udeshi, AGP for respondent Nos.2 and 3 in both matters.

Mr. R. N. Ghuge, Advocate for the respondent Nos.1a to 1d in MCA No.94/2023.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/01/2023

MISC. CIVIL APPLICATION NO.94 OF 2023

1. By this application, appellant VIDC seeking restoration of the First Appeal No.229 of 2015 which was dismissed vide order dated 15.11.2022.

2. The appeal was dismissed due to non-filing of the paper book. The learned Advocate for the appellant submitted that he will file paper-book within one week.

3. The learned Advocate Mr. Ghuge appearing for the respondents No.1(a) to 1(d) and

raised objection on the ground that after sufficient opportunity, paper-book is not filed by the appellant, hence application be rejected.

4. Heard both the sides.
5. Perused the application. Considering the restoration application is filed by the acquiring body and in view of well settled principle that liberal approach is to be taken and parties to be allowed to litigate on merits. Application is allowed.
6. Appeal be restored at its original stage.
7. Appellant to file paper-book within one week.
8. The paper-book be filed in a legal size.
9. Civil Application is disposed of.
10. Appeals be placed on 7.2.2023.

(URMILA JOSHI-PHALKE, J.)

Sarkate