



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

CIVIL APPLICATION (O) NO.698 OF 2021

IN

MISC. CIVIL APPLICATION (ST) NO.5375 OF 2020

IN

FIRST APPEAL NO.831 OF 2011 (D)

[Ujjawala Wd/o Niranjan Thote and Ors. **..Vs..** Sher Mohmad Shahqa
Nimammoddium Shah and Ors.]

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

Court's or Judge's order

Mr S. R. Charpe, Advocate for Applicants/Appellants.

CORAM : M. W. CHANDWANI, J.

DATE : 29th AUGUST, 2024.

1. Heard.
2. The applicants/appellants are seeking to condone the delay of 330 days caused in filing the application for restoration of first appeal.
3. The contention is that the clerk of the applicants' counsel could not file the paper-book within the prescribed limitation period, therefore, the appeal came to be dismissed. The applicants' counsel came to know about the fact of dismissal of the first appeal in the last week of February, 2020. It is contended that the paper-book is ready and the same will be filed within two weeks.
4. Though the non-applicants are served, nobody appeared and no reply has been filed on behalf of them.
5. The contention on affidavit remains uncontroverted. For the reasons mentioned in the applications, the delay in filing

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the restoration application is hereby condoned and for the same reason, appeal is restored to the file.

6. Accordingly, CAO as well as MCA (St) are disposed of.

FIRST APPEAL NO.831 OF 2011.

7. Since the appeal is already admitted and according to learned counsel for the appellants, he is permitted to file the paper-book within two weeks from today.

8. Meanwhile, notice be issued to respondent No.3, returnable within three weeks.

JUDGE