



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

CIVIL APPLICATION (CAO) NO.903 OF 2024 IN
M.C.A. ST. NO.9062 OF 2024 IN
FIRST APPEAL ST. NO.10107 OF 2023 (D)

The Executive Engineer, Upper Painganga Project, Umarkhed, Yavatmal & Ors. **.Vs.**
Dattaraya Ambadas Joshi (Dead) through LR.

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

Court's or Judge's Order

Shri M.R. Joharapurkar, Advocate for appellants.
Shri Anuj Ramesh Patil, Advocate for respondent Nos.1 to 7.
Ms D.I. Charlewar, A.G.P. for respondent Nos.8 and 9/State.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 30/07/2024

1. Issue notice to the respondents, returnable after **three weeks**.
2. Shri Patil, learned advocate waives service of notice for the respondent Nos.1 to 7.
3. Ms Charlewar, learned A.G.P. waives service of notice for the respondent Nos.8 and 9.
4. Perused the application.
5. Heard learned advocates for both sides.
6. The learned advocate for the respondents have strongly opposed to allow the application.
7. Considering peculiar facts of the case, the delay of 265 days caused for filing application for restoration of Misc. Civil Application, is condoned in the interest of justice.

Civil application is **allowed** and **disposed of**.

MISC. CIVIL APPLICATION ST. NO.9062 OF 2024

8. Issue notice to the respondents, returnable after **three weeks**.
9. Shri Patil, learned advocate waives service of notice for the respondent Nos.1 to 7.
10. Ms Charlewar, learned A.G.P. waives service of notice for the respondent Nos.8 and 9.
11. This is an application for restoration of civil application for condonation of delay in filing first appeal.
12. Perused the application.
13. Heard learned advocates for both sides.
14. The learned advocate for the respondents have strongly opposed to allow the application.
15. Considering peculiar facts of the case, the application deserves to be allowed in the interest of justice.
16. It is clarified that First Appeal to be restored subject to condition that the applicants shall compliance the office objection within **two weeks**.

(SANJAY A. DESHMUKH, J.)