



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

CIVIL APPLICATION (CAF) NO.874 OF 2024 IN
MISC. CIVIL APPLICATION ST. NO.12999 OF 2024 IN
FIRST APPEAL NO.97 OF 2018 (D)

Radhabai Revanath Gurjar .Vs. State of Mah., through Collector, Yavatmal & Ors.

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

Court's or Judge's Order

Shri S.S. Bhalerao, Advocate for appellant.

Ms Deepa I. Charlewar, A.G.P. for respondent Nos.1 and 2/State.

Shri M.A. Kadu, Advocate for respondent No.3.

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

1. Issue notice to the respondents.
2. Ms Deepa I. Charlewar, learned A.G.P. waives service of notice for respondent Nos.1 and 2.
3. Shri M. A. Kadu, learned counsel waives service of notice for respondent No.3.
4. Perused the application.
5. This is an application for condonation of delay of 831 days caused for filing application for restoration of first appeal which was dismissed for noncompliance of directions i.e. non-filing of private paper book.
6. Learned advocate for the applicant submits that due to Covid-19 situation, the applicant could not comply the directions. Therefore, appeal was dismissed for non-compliance of directions.
7. Learned advocates for the respondents have strongly objected the application.

8. Considering the fact that the learned advocate for the applicant is ready with paper book and in peculiar set of facts as well as reasons stated in the application, application deserves to be allowed in the interest of justice. Delay of 831 days caused for filing the restoration application is condoned, in the interest of justice.

9. Application is **disposed of**.

MCA ST. NO. 12999 OF 2024

10. This is an application for restoration of the first appeal.

11. Issue notice to the respondents.

12. Ms Deepa I. Charlewar, learned AGP waives service of notice for respondent Nos.1 and 2.

13. Shri M. A. Kadu, learned counsel waives service of notice for respondent No.3.

14. Perused the application.

15. Heard learned advocates for both sides.

16. Learned advocates for respondents have strongly objected the application.

17. For the reasons stated in the application, application deserves to be allowed, in the interest of justice.

18. Application is allowed subject to filing of paper book within **one week**.

19. Application is **disposed of**.

(SANJAY A. DESHMUKH, J.)