



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

CIVIL APPLICATION [CAO] NO.1369 OF 2024

IN

MISC. CIVIL APPLICATION ST. NO.19255 OF 2024

IN

FIRST APPEAL ST. NO.3418 OF 2019 [R.C. NO.557/2019]

[Chhatrapati Mahadeo Wagh .vs. The State of Maharashtra 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. S.S. Bhalerao, Advocate for Applicant-Appellant.
Mr. S.C. Joshi, AGP for Respondent Nos.1 and 2.
Mr. M.A. Kadu, Advocate for Respondent No.3.

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 6th DECEMBER, 2024.

1. This is an application for condonation of delay of 1160 days in filing the application for restoration.
2. Perused the application.
3. Heard the learned advocates for both sides.
4. Learned advocate for the applicant pointed out that the delay was caused inadvertently. It is well settled that because of mistake of advocate the party shall not suffer. The applicant is poor agriculturist. It appears that the delay is not deliberately caused and applicant is not responsible for the same. The application deserves to be allowed in the interest of justice.
5. The application is allowed. The delay is hereby condoned, subject to removal of office objections within two weeks. If office objections are not removed within two weeks, the application shall be deemed to be rejected without further order. So also, if the amount of compensation is enhanced, the

applicant is not entitled for statutory benefits like interest for the delay period.

6. The application is allowed and disposed of.

Misc. Civil Application St. No.19255/2024

1. Learned advocate for the applicant fairly states that because of his mistake, he could not remove the office objections within time. It is well settled that for the mistake of advocate the party shall not suffer. The applicant is poor agriculturist.

2. Considering this aspect, the application deserves to be allowed. The application is allowed, subject to condition to remove office objections within two weeks. If office objections are not removed within two weeks, the application shall be deemed to be rejected without further order.

3. The application is allowed and disposed of.

(SANJAY A. DESHMUKH, J.)