



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

CIVIL APPLICATION [CAO] NO.389 OF 2024
IN
MISC. CIVIL APPLICATION ST. NO.22783 OF 2023
IN
FIRST APPEAL NO.968 OF 2016 [D]

[Jijabai Sambha Sawale .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

 Shri Pavan Sarise, Advocate h/f Shri R.J. Shinde, Advocate for Appellant.
 Shri P.P. Pendke, AGP for Respondent Nos.1 and 2.

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CORAM : SANJAY A. DESHMUKH, J.
DATE : 19th AUGUST, 2024.

This is an application filed under Section 5 of the Limitation Act for condonation of delay of 269 days in filing the application for restoration of the appeal. Perused the application.

2. Heard the learned counsel for the appellant and the learned AGP for respondent nos.1 and 2.

3. Considering the reasons stated in the application, the delay of 269 days deserves to be condoned in the interest of justice. Hence, the delay is condoned. The application is allowed and disposed of.

MISC. CIVIL APPLICATION ST. NO.22783/2023

1. This is an application for restoration of the first appeal which was dismissed for non removal of the office objection i.e. filing of the paper book.

2. Learned Advocate for the applicant submits that the matter has been covered and can be allowed on the basis of parity. He, therefore, submits that filing of the paper book is dispensed with.

3. In view of above, the application is allowed and disposed of.

FIRST APPEAL NO.968 OF 2016

1. Heard.

2. Issue notice to the respondents, returnable after four weeks.

3. Learned Assistant Government Pleader waives notice for respondent nos.1 and 2.

4. Hamdast is allowed.

5. The learned Advocate for the appellant is directed to correct the name of respondent no.3.

(SANJAY A. DESHMUKH, J.)