



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

CIVIL APPLICATION (CAO) NO. 341 OF 2024
IN
MISC. CIVIL APPLICATION ST. NO. 2063 OF 2024
IN
FIRST APPEAL ST. NO. 17693 OF 2022

V.I.D.C., THRU. ITS EXE.ENGR., AKOLA IRRIGATION DIVN., AKOLA

VERSUS

LATE USMANKHA SULEMANKHA THRU. LRs SAKINA KATOON AND OTHERS

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

Court's or Judge's Order

Ms. A. S. Athalye, Advocate for the appellant
Mrs. Mukta R. Kavimandan, A.G.P. for respondent no.9/State

CORAM : G. A. SANAP, J.
DATE : APRIL 24, 2024.

1. Heard learned advocate for the applicant.
2. This is an application for condonation of 364 days delay caused in filing application for setting aside dismissal order and restoration of appeal.
3. It is stated that the appellant-acquiring body, after filing of the appeal, could not provide the required Court Fee within time. The appeal was filed with deficit Court Fee. Therefore, the appeal was under office objection. It is stated that for non-payment of deficit Court Fee, the appeal has been dismissed.
4. On perusal of the application and the record, it is seen that the reasons stated are sufficient to condone the delay. As such, the delay of 364 days caused in filing application for setting aside dismissal order and restoration of appeal, is

condoned.

5. MCA stamp be registered.
6. The application is allowed and disposed of.

Misc. Civil Application St. No. 2063 of 2024

1. Heard the learned advocate for the applicant.
2. This is an application for setting aside the dismissal order dated 10.01.2023 and restoration of appeal.
3. In view of the reasons stated in the application, the application is allowed. The dismissal order is set aside. The appeal be restored to file to its original number.
4. Office objection/s be removed within two weeks.
5. The MCA is disposed of.

Civil Application (CAF) St. No. 17696 of 2022 (stay)

1. Heard learned advocate for the applicant.
2. This is an application for grant of stay.
3. Subject to the appellant depositing the entire decretal amount with accrued interest in this Court, within twelve weeks from today, there shall be stay to the execution of the judgment and award dated 17.02.2022, passed by the learned Joint Civil Judge, Senior Division, Akola in L.A.C. No. 09/2014, during pendency of the appeal.

(G. A. SANAP, J.)

