



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

CIVIL APPLICATION (O) NO.182 OF 2025
IN
MISC. CIVIL APPLICATION STAMP NO.3605 OF 2025
IN
FIRST APPEAL NO.1262 OF 2009 (D)

(Sachin s/o Krishnarao Hande Vs. The Executive Engineer, Bembla Project Yavatmal
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. A. B. Nakshane, Advocate for Appellant/Applicant.
Mr. M. A. Kadu, AGP for Respondent No. No.2/State.
Mr. Raunak Kurani, Advocate h/f Mr. A. B. Patil, Advocate for Respondent
No.3.

CORAM: ROHIT W. JOSHI, J.
DATE: 18th FEBRUARY, 2025.

1. Heard.
2. First Appeal No.1262/2009 was dismissed in default vide order dated 30.01.2015 on account of failure on the part of the appellant to file private paper book on record. The appellant has filed Misc. Civil Application Stamp No.3605/2025 for restoration of the appeal. Since there is a delay, this application is filed seeking condonation of delay. The delay is of 2738 days. It is stated that private paper book was not filed due to inadvertence of the Advocate and that for mistake of the Advocate, the appellant should not be penalized. A statement is made by the learned counsel for the appellant that the controversy in the appeal is identical to the controversy involved in First Appeal No.1222/2009

which is already closed for judgment and order. In view of the aforesaid, although the learned A.G.P. and the learned Advocate Mr. Raunak Kurani appearing for the respondent no.3 opposed the application, the application is allowed and delay is condoned in the interest of justice.

MISC. CIVIL APPLICATION STAMP NO.3605 OF 2025:

1. Heard.
2. For the reasons mentioned above, First Appeal No.1262/2009 is restored to file.
3. The record of the case is destroyed. Parties are directed to reconstruct the record. The office is directed to verify the reconstructed record.
4. Put up for final hearing once these formalities are completed.

(ROHIT W. JOSHI, J.)