



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

No. 316/2025 in MCA St No.6078/2025 in CAF No.797/2025 in First Appeal
No.792/2023 (D)

(Maharashtra State Power Generation Co.Ltd V Nandlal 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. N.G. Moharir, Advocate for appellant.
Mr. A.D. Girdekar, Advocate for resp. no.1.

CORAM : M.W. Chandwani, J.
DATE : 21-04-2025.

Heard.

ii. This is an application for condonation of delay in preferring the application for restoration of first appeal which came to be dismissed for want of paper book which was ordered to be filed by order dated 04-09-2023 within a period of 12 weeks. The contention is that the counsel was not aware of the date of receipt of record and proceedings.

iii. Application is opposed on the ground that the proper reasons are not mentioned.

iv. By order dated 04-09-2023 this Court directed the appellant to file paper book within a period of 12 weeks from the date of receipt of R and P. It is to be noted that the date of receipt of R and P remains with the Registry of this Court and it is not reflected on the Board. Therefore, I find substance in the argument of learned Counsel for the appellant that he may not aware about the

receipt of R and P and consequently the timeline for filing paper book.

v. Thus, for the reasons mentioned in the application, the delay in filing restoration application is condoned and for the same reasons, application for restoration of the appeal is allowed subject to payment of costs of Rs. 5000/- to be deposited to the Tirora District Court Bar Association for development of its library.

vi. Appeal be registered to file.

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By this application the respondent no.1 seeks withdrawal of 50% of the decretal amount deposited by the appellant. Considering the grounds mentioned in the application, in my view, the respondent no.1 is permitted to withdraw 50% of the deposited amount along with accrued interest thereon.

ii. Application is disposed of.

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The appellant to file paper book within a period of two weeks.

(M.W. Chandwani, J.)

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