

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

CIVIL APPLICATION NO.1042 OF 2025 &
MISC. CIVIL APPLICATION STAMP NO.19181 OF 2025 IN
FIRST APPEAL STAMP NO.16355 OF 2023

VIDC Vs. Mrs. Chhayatai Tukaram Gawande & Ors

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.

Court's or Judge's orders.

Ms A.S. Athalye, Advocate for appellant.
 Shri H.J. Deshmukh, Advocate for respondent nos.1 to 3.
 Shri M.A. Kadu, AGP for respondent nos.4 and 5/State.

CORAM : M.W. CHANDWANI, J.
DATE : 03.10.2025.

1. By this application, the applicant is seeking condonation of delay in filing the application for restoration of appeal, which came to be dismissed for non-removal of office objection.
2. The contention is that the counsel for the appellant could not mark the matter and therefore, could not remove the office objection within time.
3. Considering the reasons mentioned in the application and period of delay i.e. 588 days, delay is condoned. For the same reasons, the application for restoration of appeal is allowed subject to payment of costs of ₹2,500/- to the District Bar Association, Gondia and removal of office objections, if any, within four weeks.
4. Both applications stand disposed of.

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5. By this application, respondent nos.1 to 3 are seeking permission to withdraw the amount deposited by the appellant.

6. For the reasons mentioned in the application and submission of the respective counsels, 75% of the decretal amount alongwith accrued thereon is permitted to be withdrawn by the respondent nos.1 to 3 upon furnishing usual undertaking to the registry. The amount shall be distributed equally amongst respondent nos.1 to 3.

7. The application stands disposed of.

JUDGE

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