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

CIVIL APPLICATION NO.178 OF 2024
IN
M.C.A. (STAMP) NO.24553 OF 2023

Executive Engineer, Nimna Painganga Project, Yavatmal

Vs.

Prashant Krushnarao Nimje and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. A.M. Kukday, Advocate for the Applicant/Appellant.
Mr. A.B. Nakshane, Advocate for the Respondent No.1.
Mr. S.B. Bissa, AGP for the Respondent/State.

CORAM: PRAFULLA S. KHUBALKAR, J.
DATED : 12th DECEMBER, 2025

1. By this application, the applicant seeks condonation of delay of 431 days in filing the application for restoration of the first appeal which was dismissed for failure to file private paper book within the stipulated period of time.

2. The application is not opposed by the learned counsel for the respondents.

3. Having regard to the contents of the application, the delay of 431 days, does not appear to be intentional and the same is hereby condoned.

4. In view of the above, the civil application is **disposed of**.

M.C.A. (STAMP) NO.24553 OF 2023

1. By this application, the appellant seeks restoration of the first appeal which was dismissed for failure to file private paper book, pursuant to the order dated 07.09.2021 passed by this Court.

2. The applicant submits that the appellant desires to contest the appeal on merits and the same can be decided on merits, in view of the judgment of this Court in identical matter bearing ***First Appeal No.965/2022 Vidarbha Irrigation Development Corporation, through its Executive Engineer Vs. Satish Vasantrao Jadhao and Others, decided on 05.10.2023.***

3. The application is not opposed by the learned counsel for the respondents.

4. Having regard to the contents of the application and the submission advanced by both the parties, the application is **allowed**.

5. First Appeal No.534/2021 stands restored.

(PRAFULLA S. KHUBALKAR, J.)

Privel