



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

CIVIL APPLICATION (CAO) NO. 149 OF 2025

IN

MCA ST. NO. 13602 OF 2024

IN

MCA ST. 9631 OF 2023 (D)

IN

FIRST APPEAL NO. 1670 OF 2019 (D)

HARIDAS S/O MOTIRAM GAJBHIYE AND OTHERS

Vrs.

EXECUTIVE ENGINEER, V. I. D. C. AND OTHERS

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

Court's or Judge's Order

Shri Y. S. Kshirsagar, Advocate h/f Shri S. P. Kshirsagar, Advocate for
applicants/appellants.
Shri M. A. Kadu, Advocate for respondent No.1.
Ms. M. R. Kavimandan, AGP for respondent Nos.2 and 3.

CORAM: ROHIT W. JOSHI, J.

DATE : 10/02/2025.

1. First Appeal No.1670/2019 came to be dismissed for default on account of failure on the part of the appellants to file private paper book on record. The appellants, thereafter filed MCA St. No.9631/2023 for restoration of the first appeal along with application for condonation of delay. The application for condonation of delay was filed bearing CAO St.9632/2023. However, the MCA was rejected on the ground that it was not accompanied with an application for condonation of delay. Since the MCA was rejected, the appellants have moved another application for restoration of the said MCA St.No.13602/2024. This is an application for condonation

of delay in filing MCA ST.No.13602/2024. The delay is of 338 days. The applicants have stated that the name of counsel of Shri Kshrisagar did not appear in the cause list and instead, name of some other counsel was mentioned, as a consequence of this, the matter could not be marked and there was no appearance. In such circumstances, the delay caused in filing MCA ST.No.13602/2024 is condoned in the interest of justice.

2. The application is disposed of.

MCA ST. No. 13602/2024

3. Since the MCA ST. No.9631/2023 was erroneously rejected on the ground that it was not accompanied by an application seeking condonation of delay which in fact is filed, MCA St.No.13602/2024 is allowed.

4. The application is disposed of.

CAO ST.No.9632/2023

5. This is an application seeking condonation of delay in filing application for restoration of first appeal which was dismissed on the ground of failure to file private paper book on record. The First Appeal is of the year 2019 and appeals of earlier years are yet to come up for final hearing.

6. Since further hearing of the appeal is not adversely affected due to the delay, in my considered opinion, the delay caused deserves to be condoned, in the interest of justice. Delay is condoned.

7. Application is allowed and disposed of.

MCA ST.No.9631/2023

8. For the reasons mentioned above, MCA application is allowed.
9. The application is disposed of.
10. First Appeal No.1670/2019 be restored to file subject to condition that the appellants shall file private paper on record within a period of one week from today.

[ROHIT W. JOSHI, J.]

Choulwar