



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

CIVIL APPLICATION (CAO) NO. 334 OF 2025
IN / AND
MISC. CIVIL APPLICATION ST. NO. 6456 OF 2025
IN
FIRST APPEAL NO. 428 OF 2022 (D)

CHIEF EXEC.ENGINEER, MADHYAM PRAKALP VIBHAG YAVATMAL

VERSUS

DASHRATH JANUJI RATHOD AND OTHERS

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

Court's or Judge's Order

Ms. I. P. Khisti, Advocate for the appellant/applicant
Mr. A. I. Shaikh, Advocate for respondent no.1
Mr. M. A.Kadu, A.G.P. for respondent nos.2 and 3.

CORAM : M. W. CHANDWANI, J.
DATE : APRIL 16, 2025.

1. Heard.
2. By these civil applications, the applicant seeks condonation of delay in filing application for restoration of the First Appeal and restoration of the first appeal.
3. The First Appeal came to be dismissed in default on 05.09.2023 for non-filing of the paper book, in spite of the directions of this Court. The contention is that the documents could not be procured within time so that the paper book can be prepared and filed on record. Therefore, there is delay of 292 days in filing application for restoration of the appeal.
4. Learned counsel for the respondent no.1 has objected the applications.

5. In view of the reasons mentioned in the applications as well as the fact that substantial justice cannot be denied for technical reason, the delay in filing application for restoration of the First Appeal is condoned and the application for restoration of the First Appeal is allowed, subject to the payment of costs of Rs.10,000/- (Rupees Ten thousand only) to the Tiroda Bar Association, Tiroda, Dist. Gondia for development of its library, within two weeks from today.
6. First Appeal No. 428/2022 is restored to the file.
8. Both the civil applications are allowed and disposed of in the aforesaid terms.

Civil Application (CAO) St. No. 11491 of 2024
in Cross-Objection St. No. 11489 of 2024

1. This is an application for condonation of delay in filing cross-objection.
2. Issue notice to the non-applicants.
3. Learned Asstt. Government Pleader waives service of notice for non-applicant nos.1 and 2.
4. Ms. Ira P. Khisti, learned counsel waives service of notice on behalf of non-applicant no.3 and seeks time to file reply.
5. Stand over after two weeks.

(M.W.Chandwani, J.)