



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

FIRST APPEAL NO.138/2012(D)

Vinayakrao Shankarrao Parimal

Vs.

The Executive Engineer Bembla Project Division, Dist. Yavatmal and others

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

Court's or Judge's orders

Shri A.B. Nakshane, Advocate for applicant
Shri S.K. Bhoyar, Advocate for respondent No.1
Ms Deepa I. Charlewar, AGP for respondent Nos.2 and 3/State

CORAM : PRAVIN S. PATIL, J.

DATE : 05.02.2026

CIVIL APPLICATION (CAO) NO.322/2025 WITH
MISC. CIVIL APPLICATION ST. NO.2905/2025 WITH

These applications are not pressed by the present applicant and accordingly stands disposed of as not pressed.

CIVIL APPLICATION (CAO) ST. NO.2341/2026 WITH

CIVIL APPLICATION (CAO) ST. NO.2339/2026 WITH

MISC. CIVIL APPLICATION ST. NO.2338/2026

1. By these applications, the applicant is seeking leave to file the application for restoration, condonation of delay of 3129 days in filing the restoration application and to set aside the order dated 05.06.2017. The applicant has stated in his applications that during the pendency of present

appeal, the appellant was expired and this fact was not brought to the notice of the Counsel. Consequently, the order passed by this Court to file the private paper book within the stipulated time period was not complied with. Hence, the delay is caused in filing restoration application.

2. The applicant to substantiate his submission filed on record the copy of death certificate, will-deed and other documents. All these documents filed by the applicant are not contravened in the matter.

3. Respondent raised contention that present application can be allowed subject to condition that in case appellant succeeded in appeal then he will not be entitled for interest on enhance compensation for the delay caused in filing restoration application.

4. The appellant stated that the said principle cannot be made applicable for present application because said principle is applied only when there is delay in filing appeal. Here, after filing of appeal, due to genuine reason, delay is caused in the matter.

5. In my opinion, respondent is right to urge that principle of law laid down by the Hon'ble Supreme Court is applicable in the matter of delay, where due to fault of appellant, appeal was not restored within time. Accordingly, in my opinion, considering the fact, earlier to this

application was moved and same was withdrawn, delay is condoned subject to condition that appellant will not be entitled for interest on enhance amount for delay of 2024 days in case this Court allowed the appeal and enhanced the compensation in the matter.

CIVIL APPLICATION (CAF) ST. NO.2347/2026
WITH
CIVIL APPLICATION (CAF) ST. NO.2349/2026
WITH
CIVIL APPLICATION (CAF) ST. NO.2351/2026

1. By these applications, the prayer is made for condonation of delay of 200 days in setting aside the abatement, 260 days in bringing legal representatives of deceased on record and permission to bring the legal representatives on record. For the reasons stated in the applications, the applications are allowed.
2. Necessary amendment be carried out within one week.
3. After amendment, the copy be supplied to the respondents.
4. The respondents undertakes to waive service in newly added respondents.
5. The applications stand disposed of.

(PRAVIN S. PATIL J.)