



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

CIVIL APPLICATION NO.1301 OF 2025
IN
MISC. CIVIL APPLICATION (ST.) NO.18745 OF 2025

IN
FIRST APPEAL NO.495 OF 2021 (D)
The General Manager, WCL, Umred
Vs.
Malti Wd/o. Devkumar Petha and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Rohan Chandurkar, Advocate for the Applicant/Appellant.

CORAM: PRAFULLA S. KHUBALKAR, J.
DATED : 19th JANUARY, 2026

1. Heard learned counsel for the applicant.
2. This is an application for condonation of delay in filing the application for restoration of first appeal, which was dismissed for failure to file private paper book as directed by an Order dated 03.04.2024.
3. Learned counsel for the applicant submits that the respondents are already served on this civil application and the affidavit of service is also filed on record. He submits that the delay occurred since the applicant/appellant was not aware about the order passed by this Court. He further submits that the applicant/appellant has already deposited the decretal amount of Rs.98,66,607/- (Rupees Ninety Eight Lakhs Sixty Six Thousand Six Hundred and Seven Only) in the first appeal, which was being prosecuted on

merits. He therefore, prays for condonation of delay in filing the application for restoration of the first appeal.

4. Having regard to the contents of the application and submissions advanced, the civil application is **allowed**. Delay of 383 days in filing the application for restoration of first appeal is condoned subject to cost of Rs.5,000/- (Rupees Five Thousand Only) to be deposited by the appellant within a period of three weeks' from today, in the '**Public Welfare Account**', which is directed to be opened by an Order dated 12.01.2026, passed by the Hon'ble Division Bench of this Court in Suo Moto Public Interest Litigation (SMPIL) No.01/2021. The details of which can be obtained from the Registrar (Judicial), Nagpur Bench, Nagpur.

5. In view of above, civil application is **disposed of**.

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6. This is an application for restoration of first appeal, which was dismissed for failure to file private paper book as directed by an Order dated 03.04.2024.

7. Learned counsel for the applicant submits that the applicant/appellant desires to contest the appeal on merits and are ready to file private paper book, therefore, seeks restoration of the first appeal.

8. For the reasons stated in the application and submissions advanced, the civil application is **allowed** and **disposed of**. The appellant is directed to file private paper book within a period of four weeks from today. The First Appeal is **restored**.

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9. Considering the fact that the interim stay was granted by an Order dated 27.08.2021, the matter be listed for interim orders in view of the restoration of first appeal.
10. List the appeal on 30.01.2026, for further consideration.

(PRAFULLA S. KHUBALKAR, J.)

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