

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

CIVIL APPLIATION STAMP NO.50 OF 2015

AND

MISC. CIVIL APPLICATION ST. NO.49 OF 2015

IN

FIRST APPEAL NO.256 OF 2009

(Western Coalfields Ltd. .vs.. Shridhar Sakharam Bhojar and others)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 13-1-2015

First Appeal No.140/2006 challenging the same order passed by the learned Commissioner under the Workmen's Compensation Act was called out for final hearing. At that time, Shri R.A. Jain, the learned Advocate has submitted that First Appeal No.256/2009 filed by the Western Coalfields Limited, challenging the same order was dismissed for want of prosecution and the Western Coalfields Limited have filed application praying for restoration of the appeal. By consent of the learned Advocates for the respective parties, the civil application and the miscellaneous civil application are taken up for consideration.

Heard Shri R.A. Jain, the learned Advocate holding for Shri S.C. Mehadia for the applicant, Shri D.C.R. Mishra, the learned Advocate for the non-applicant Nos.1 and 2 and Shri Apurva De, the learned

Advocate for the non-applicant No.3.

Considering the fact that the same order passed by the learned Commissioner under the Workmen's Compensation Act is subject matter of challenge in First Appeal No.140/2006 which is being taken up for hearing and for the reasons stated in the application, the application is allowed. The delay is condoned.

For the reasons stated in the application and in view of the facts stated above, the Misc. Civil Application Stamp No.49/2015 is allowed and the appeal is restored.

The appeal is taken up for hearing along with First Appeal No.140/2006.

JUDGE

pma