

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

CIVIL APPLICATION (CAO) NO.175 OF 2014

IN

MCA ST.NO.1143 OF 2014 (FOR REVIEW)

IN

LPA NO.81 OF 2003

IN

WRIT PETITION NO.1759 OF 2002

The Executive Engineer, PWD Bhandara and ors

..vs..

Shri Anandrao Mahadev Kadaw (dead), thr LRs

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

Court's or Judge's order

Shri S.M. Ukey, AGP for the applicants.

**CORAM : A. B. CHAUDHARI &
Z. A. HAQ , JJ.**

DATE : MARCH 20, 2015.

Heard.

This is an application for condonation of delay of 79 days caused in filing the application for review of order dated 3.10.2013 passed by this Court in the instant appeal.

For the reasons stated in the application, the application for condonation of delay is allowed.

Delay is condoned.

The application is disposed of accordingly.

Civil Application No.403 of 2012

Heard.

For the reasons stated in the application, the application is allowed.

Legal heirs of the respondent be brought on record.

Amendment be carried out forthwith.

The civil application is disposed of accordingly.

Civil Application No.405 of 2012

Heard.

For the reasons stated in the application, the application is allowed.

Abatement is set aside.

The civil application is disposed of accordingly.

MCA ST.NO.1143 OF 2014 (FOR REVIEW)

Heard.

For the reasons stated in the application, the application is allowed.

LPA is restored to file.

The civil application is disposed of.

LPA N1.81 OF 2003

Heard.

Learned AGP makes a statement and files on record the receipt about the payment of dues to the widow of deceased Anandrao. We accept the statement.

The appeal is taken up for hearing.

We have perused the judgment and order. The

finding of facts recorded by the trial Judge and confirmed by learned Single Judge mainly on the ground that the department of the appellants, who were the custodians of the records in relation to the deceased, ought to have produced the same before the Court. If the appellants wanted to canvass the grievance that Anandrao was engaged by the contractor and not by the Department, the burden to show that he was not an employee of the appellants was on the appellants which was not discharged.

We are, therefore, satisfied with the reasons furnished by the trial Court as well as learned Single Judge which is legal, correct and proper. We do not find any error committed by any of the Courts below. Hence, we make the following order :

ORDER

LPA No.81 of 2003 is dismissed. No costs.

JUDGE

JUDGE

!! BRW !!

...../-