

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

CAF No. 2048 of 2015 In CAF No. 3193 of 2015 In FA (St) No. 20240 of 2015

Sushil v. Sakib and ors

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

Court's or Judge's orders

 Shri S. S. Alaspurkar, advocate for appellant
 Respondents 1 and 2 served
 Shri Ranjeet Bhuihar, Adv for Respondent no. 3

CORAM : S. B. SHUKRE, J.

DATED : DECEMBER 6, 2016.

CAF No. 3193 of 2015 : Heard learned counsel for the parties. For the reasons stated in the application, the application is allowed. Delay caused in filing appeal is condoned. Application is disposed of. Appeal be registered.

FA (St) No. 20240/15 : Heard. Admit. Call for R & P. Shri Ranjeet Bhuihar, learned counsel waives service of notice on behalf of respondent no. 3.

CAF No. 2048 of 2015 : Heard. Along with the appeal, this application has been filed for grant of permission to place on record the medical bills and treatment papers. According to the counsel for appellant, these documents would show that the appellant had taken treatment at Mumbai also. He states that during the pendency of claim petition, an application was filed requesting the Tribunal to take those papers on record. But, that application was rejected on the ground that it was not signed and affirmed by appellant and case was closed for judgment.

Learned counsel for respondent no. 3 opposes the application saying that such an application cannot be allowed at the appellate stage.

When the trial Court declined to accept the papers on record, appellant should have been diligent to take appropriate steps to assail that order. When I expressed my mind to learned counsel for appellant that it will not be possible to allow this application, he prays that the application may be kept pending and it should be taken into consideration at the final hearing of the appeal.

In the interest of justice, alternative prayer is granted. Application is kept pending and it will be considered at the time of final hearing of the appeal.

JUDGE