

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAS] No. 570 of 2016
IN
Second Appeal St. No.6051 of 2016
[Western Coalfield Ltd. & others Vs. Bhaiyaji @ Rukhmangad Dadaji Khade]

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

Court's or Judge's orders

Mr. Tushar Darda, Adv., for the applicants.
Mr. Anand Parchure, Adv., for respondent.

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CORAM : A. S. CHANDURKAR, J.

DATE : 15th September, 2017

Though the prayer for condonation of delay is opposed on the ground that the delay has not been properly explained, I find from the reasons assigned that the delay does not appear to be deliberately caused. Hence, accepting reasons mentioned in the application, the delay stands condoned.

Civil Application is allowed and disposed of.

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Second Appeal St. No. 6051 of 2016 :

Heard.

Issue notice on the following substantial

questions of law:-

- [1] Whether the appellate Court was justified in holding that the suit filed for recovery of the balance amount from the amount received towards compensation in lieu of employment is maintainable in the face of the provisions of Section 26 of the Coal Bearing Areas (Acquisition & Development) Act, 1957?
- [2] Whether the appellate Court was justified in disturbing the finding of fact recorded by the trial Court that when Notification under Section 9 of the said Act dated 17th February, 1990 was issued, the land Survey No. 626 was one piece land and hence the plaintiffs were not entitled to claim separate benefits under the policy of the Western Coalfields Ltd.?

Put up for further consideration on 4th October, 2017.

Shri Parchure, learned counsel, waives notice for the respondent.

Judge