

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

CIVIL APPLICATION (O) NO. 1124 OF 2016

IN

M.C.A. ST. NO.8456 OF 2016.

IN

FIRST APPEAL NO. 757 OF 2010

(WESTERN COALFIELDS LTD. THROUGH CHIEF GENERAL MANAGER, WANI,
DISTT. YAVATMAL..Vs..SHRI. GOSAI KASHINATH BOBADE AND OTHERS)

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

Court's or Judge's orders.

Shri S. C. Mehadia, Advocate for Appellant.

CORAM: SMT. DR. SHALINI PHANSALKAR-JOSHI, J.

DATE: 2nd AUGUST, 2017.

This is an application seeking condonation of delay of about 885 days in filing application for restoration of the appeal.

It is submitted that the appeal came to be dismissed for default as the appellant failed to file private paper-book within the stipulated period.

According to the learned counsel for the appellant, there were in all three connected appeals arising out of the proceeding before the Reference Court. In those proceedings, the evidence recorded was common and therefore, filing of separate paper book in this Appeal No. 757 of 2010 was not necessary as the paper book is already filed in First Appeal no.754 of 2010.

In view thereof, though the delay is substantial period as already First Appeal No.754 of 2010 is fixed for hearing and as all these three appeals are connected appeals. In the interest of justice, the application is allowed and delay is condoned with no order as to the costs.

MISC. CIVIL APPLICATION (ST) NO.8456 OF 2016

This application for restoration of appeal which came to be dismissed for default on account of non-filing of private paper-book within stipulated time.

Considering that in the connected First Appeal No.754 of 2010, the private paper-book was filed, the filing of private paper-book in this appeal needs to be dispensed with the evidence recorded before the Reference Court is common in all these three matters and hence, the application is allowed.

Appeal is restored to its original file and is directed to place alongwith the connected First Appeal No.754 of 2010.

JUDGE