

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

CIVIL APPLICATION NO.613/2018 AND M.C.A. (ST.) NO.9605/2017 IN
C.A.F. NO.1319/2014 IN F.A.(ST.) NO.1288/2014

Raju Pandhari Padghan ..vs.. Bhatti Maksud Ismail and Ors.

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

Court's or Judge's orders.

Mr. S. D. Chopde, Advocate for applicant.
Mr. A. J. Pophali, Advocate for non applicant no.3.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 28, 2018

1. Heard Mr. Chopde, learned counsel for the applicant and Mr. Pophali, learned counsel for non applicant no.3-Insurance Company. Presence of non applicant nos. 1 and 2 for deciding the present application is not necessary.

2. Applicant is the original claimant before the Claims Tribunal. Since, the applicant was aggrieved by the amount of compensation, he preferred an appeal for enhancement before this Court. For filing the appeal, there was a delay. Therefore, along with the appeal, Civil Application No.1319/2014 for condonation of delay was filed in which the present non applicants were non applicant nos.1 to 3. Notices on the said application were issued. Non applicant no.3-Insurance Company was served and Mr. Pophali, represented the non applicant no.3. Non applicant nos.1 and 2 could not be served for

want of correct address. The learned Registrar vide order dated 08.09.2015 dismissed the said application for condonation of delay against non applicant nos. 1 and 2. Thereafter, the matter was placed before this Court on 05.01.2016. On 05.01.2016, the Court directed to place the matter on 02.02.2016 and also directed the applicant to take necessary steps, failing which the civil application was ordered to be dismissed without reference to the Court. Consequently, the application for condonation of delay was dismissed and stamp of the first appeal was also dismissed.

3. The applicant therefore moved an application Stamp No.9605/2017 for restoration of the application for condonation of delay. Since, there was a delay of 418 days in preferring the application, Civil Application No.613/2018 for condonation of delay is filed.

4. Mr. Chopde, learned counsel for the applicant, submitted that the circumstances under which the orders dismissing the application and appeal are passed.

5. Though, there is a strong opposition from Mr.Pophali, learned counsel for non applicant no.3, in the interest of justice, I allow both these applications. Consequently, the order passed by learned Registrar (Judicial) dated 01.09.2015 is hereby set aside and the

order passed by this Court on 05.01.2016 is hereby recalled. Civil Application No.1319/2014 along with First Appeal Stamp No.1283/2014 are restored to file. Mr. Chopde, submits that he will take steps positively for removing the office objections within three weeks from today.

Statement is accepted.

The applications are disposed of accordingly.

JUDGE

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Yogesh
Arvind
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