

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

Civil Application [CAF] No.645 of 2020
&
Civil Application [CAF] No.856 of 2020
&
Civil Application [CAF] No.857 of 2020
in
First Appeal No.232 of 2009 (D)

Western Coal Fields Ltd.

vs.

Ashatai w/o Laxman Harbade & another

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

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Court's or Judge's Orders

*Shri Anjan De, Advocate for the Applicant.
Ms. A.S. Wanjari, Adv. h/f Shri Anilkumar, Adv. for the Appellant.
Shri M.A. Kadu, A.G.P. for Respondent No.2.*

CORAM : S.M. MODAK, J.
DATE : 4th DECEMBER, 2020.

Heard the learned Advocates for the
respective parties.

First Appeal No.232 of 2009 was already decided by this Court as per the Common Judgment, dated 12/02/2019. Deceased Ashatai Laxman Harbade was respondent No.1 therein. During pendency of the appeal, she expired on 09/08/2016. A photocopy of Death Certificate is filed along with the application. However, it was not brought to the notice of the Court. Now, at the time of withdrawal of the amount of compensation, her legal representative has realized about this mistake and that is why these applications are filed.

The appellant is not objecting for the same. Earlier this fact was not brought on record, as it was not

informed to the learned Advocate for respondent No.1.
Hence, the directions :

- i. Delay caused in bringing the legal representative of respondent No.1 on record is condoned.
- ii. The appellant is directed to bring the applicant as a legal representative of respondent No.1.
- iii. The applicant be permitted to withdraw the amount of compensation.
- iv. The Nazar is directed to transfer the amount of compensation by transferring the same directly to her bank account on her personal verification, as ordered by the Reference Court in it's judgment dated 25/04/2008.
- v. The applications are allowed and disposed of accordingly.

*sandesh

JUDGE

Sandesh
Waghmare

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by Sandesh
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