

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

**CIVIL APPLICATION (CAS) NO.46 OF 2020**

**IN**

**SECOND APPEAL STAMP NO.16747 OF 2019**

Western Coalfields Limited through General Manager.

Vs.

Sau. Kusum w/o Shankar Thakur.

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

Shri. A. M. Ghare, Advocate for applicant.

Shri Sandip Singh, Advocate for non-applicant.

**CORAM : AVINASH G. GHAROTE, J.**

**DATE : FEBRUARY 13, 2020.**

By this application, delay of 96 days caused in filing of the second appeal is sought to be condoned. The reasons are given in Para 4 of the application, that the administrative board of the applicant scrutinized the situation and came to the conclusion that the interests of the applicant would be better served, if the impugned judgment was challenged, which took time and occasioned the delay.

Mr. S. Singh, learned counsel for the Caveator/ non-applicant sole opposes the application and contends that the reasons stated are not genuine and bona fide.

Having considered the rival contentions, the reasons as stated in Para 4 of the application are accepted. The delay is condoned civil application is allowed. Office to register and list the matter for admission on **3<sup>rd</sup> of March, 2020**. Civil Application is disposed of.

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Mr. S. Singh, learned counsel waives notice for the respondent sole on merits. The learned counsel for the appellant to supply copy of the memo of appeal and its accompaniments to the learned counsel for the respondent.

The learned counsel for the appellant is further directed to place a copy of the paper book of the First Appellate Court and documents as exhibited before the Trial Court on record, with an advanced copy to the learned counsel for the respondent, before the time indicated above. Parties are put to notice, that the appeal may be decided finally on merits, at the admission stage itself.

**JUDGE**

Sarkate