

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

Civil Application [CAF] No.821 of 2021
in
First Appeal St. No.16318 of 2018

The Union of India, General Manager, Western Railway, Mumbai
vs.

Smt. Vanmala Rahul Wankhede

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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 Nitin Lambat, Advocate for the Applicant-Appellant.

CORAM : S.M. MODAK, J.

DATE : 8th APRIL, 2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

Heard learned Counsel Shri Nitin Lambat for the applicant-appellant. He fairly submits that he was not having the copy of the order, dated 14/12/2020. The appellant was granted permission to deposit the amount. So also, the appeal was restored considering the circumstances. As he was not having the copy of the order in the present application, inadvertently, he has pleaded that there is no permission to deposit the decretal amount.

Be that as it may, now the appellant is ready to deposit the amount. Hence, the appellant is permitted to deposit the decretal amount within a period of three weeks.

The application stands disposed of.

First Appeal St. No.16318/2018 :

As per the order dated 14/12/2020, the appeal was directed to be restored considering the circumstances prevailing there. However, in the Farad Sheet, dated 07/04/2021, the Office has taken an objection that there is no delay condonation application filed. Said objection is overruled, because the restoration was ordered considering the circumstances that the appeal was dismissed for not filing of private paper-book and even though there was not having an order to issue notice to the respondent. It was also restored considering the limited nature of controversy and as it was pertaining only to payment of interest, the office objection is overruled.

The appellant is directed to remove other office objections, if any, within a period of four weeks and then notice be issued to the respondent.

JUDGE**sandesh*