

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

CIVIL APPLICATION [CAO] NO. 1235/2017
IN M.C.A.ST.NO.10425/2017 IN M.C.A.NO. 469/2012
IN WRIT PETITION NO. 4398/2011.
WITH
CIVIL APPLICATION [CAO] NO. 88/2020
IN M.C.A.ST.NO.10467/2020 IN WRIT PETITION NO. 4398/2011.
AND
WRIT PETITION NO. 4398/2011.

Union of India,
Ministry of Mines, New Delhi
and others. Petitioners.

-VERSUS-

Shri Kaliram Kataria (Deceased)
through L.Rs.
(a) Smt. Mayadevi Kaliram Kataria
and others. Respondents.

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Ms. M.R. Chandurkar, Advocate for the Applicants/Petitioners.
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CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.

DATE : 25 JANUARY 2021.

P.C.

Heard learned Counsel for the Applicants/Petitioners.

2. By Writ Petition No. 4398/2011, the Petitioner Union of India challenged the orders passed by the Central Administrative Tribunal dated 21 January 2009. Petitioners are aggrieved by the directions issued and to take action to comply with the orders passed by the Tribunal in the Original Application No. 2006/2006.

3. The Writ Petition was dismissed in default by order dated 4 January 2012. Petitioners have filed application for restoration of the Writ Petition bearing Misc. Civil Application No. 469/2012. This application for restoration was also dismissed on 22 June 2012. Thereafter an application for restoration of Misc. Civil Application No.469/2012 bearing Misc. Civil Application Stamp No.10425/2017 along with an application for condonation of delay in preferring the said application for restoration was filed.

4. Petitioners have filed Civil Application No. . 88/2020 along with Misc. Civil Application Stamp No.10437/2020 in Writ Petition No. 4398/2011. The prayer made in the Misc. Civil Application is for restoration of Writ Petition No.4398/2011.

5. Civil Application No. 1235/2017 for condonation of delay, Misc. Civil Application Stamp No.10425/2017 for

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restoration of Misc. Civil Application No. 469/2012 as also Misc. Civil Application No.469/2012 are allowed.

6. In the meanwhile, Respondent has also expired. The petition remained dismissed for 10 years the record is also partly damaged. The Applicants/Petitioners have also filed Civil Application No.1403 & 1404 of 2020 for bringing legal heirs of Respondent on record and condoning the delay caused in bringing legal heirs on record. Both the Civil Applications are allowed. Necessary amendment be carried out forthwith.

7. As regards challenge in the Writ Petition is concerned, it is not necessary for us to delve further on the controversy, since by a separate order passed today in Writ Petition No.1993/2009, whereby we have rejected the challenge of the Petitioners to orders passed in Original Application No.2006/2006, consequently the impugned order in this petition, which directs compliance of orders passed in the Original Application No.2006/2006, will have to be upheld. The Writ Petition is accordingly dismissed. No costs.

8. Since Writ Petition is restored no orders are required to be passed in Civil Application No. 88/2020 in Misc. Civil Application Stamp No.10437/2020. The same are also disposed of.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)