

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

CIVIL APPLICATION (CAO) NO. 613 OF 2022
IN
MISC. CIVIL APPLICATION (ST.) NO. 12526 OF 2022
IN
RC NO. 183/2020 (FA ST. NO. 16673/2019)

Latabai W/o. Rangrao Mahale and another

...VERSUS...

Union of India, thr. General Manager, Central Railway, CST Mumbai

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

Court's or Judge's order

Shri R.G.Bagul, Advocate for appellants.
Ms. Neerja G. Chaubey, Advocate for respondent.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 24th AUGUST, 2022.

The present application is filed by the appellants for condonation of delay in filing restoration application for restoring the First Appeal. There is delay of 223 days.

2. It is contended that the matter was under objection. However, inadvertently, the counsel for the appellants could not mark the matter in the daily cause list and therefore, he could not remove the office objections within time. Therefore, the appeal was dismissed.

3. The learned counsel for the respondent opposed the present application.

4. For the reason stated in the application, the application is allowed.

5. The delay in filing restoration application is hereby condoned.

6. Accordingly, the application is disposed of.

MISC. CIVIL APPLICATION (ST.) NO. 12526 OF 2022

The present application is filed for restoration of First Appeal (St.) No. 16673 of 2019, which came to be dismissed for non-removal of office objections.

2. It is submitted that inadvertently, the counsel for the appellants could not mark the matter in the daily cause list and therefore, he could not remove the office objections within time.

3. For the reasons stated in the application, I am satisfied that for the bonafide reason, the learned counsel could not remove office objection. Accordingly, order passed by Registrar (J) dated 17/12/2019 is hereby set aside.

4. The Registry is directed to register the First Appeal (St.) No. 16673 of 2019 to its original number.

5. After the appeal is register, the appellants to remove office objection within two weeks.

6. The application stands disposed of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar