

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1487 OF 2022

IN

FIRST APPEAL NO. 155 OF 2013

Vijay Abaji Khade

....Applicant

Versus

Tamilnadu State Transport Corp. Ltd.

....Respondent

Ms. Ankita Pawar for the Applicant.

Ms. P. M. Bhansali i/b G. S. Hegde for the Respondent.

CORAM : S. G. DIGE, J.

DATE : 13th FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the Applicant and learned counsel for the Respondent.

2. Learned counsel for the Applicant submits that earlier advocate on record could not comply the order dated 24 January, 2019 passed by this Court. (Coram – Dr. Shalini Phansalkar Joshi, J.).

Hence Appeal is dismissed.

3. The Appellants are original claimant, who have filed Appeal for enhancement of compensation. The learned counsel further submits that due to mistake of earlier advocate on record litigant should not be suffered. Hence requested to allow the Application.

4. The learned counsel for the Respondent strongly objected to allow the Application, on the ground that the mistake of advocate cannot be a ground for restoration.

5. I have heard both learned counsel. Considering the submissions of both learned counsel and the reasons mentioned in the Application, the order passed by this Court on 24 January, 2019, is recalled. The Application is allowed and disposed of.

6. The Appeal is restored.

(S. G. DIGE, J.)