

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 17719 OF 2023
IN
FIRST APPEAL NO. 1949 OF 2010

Jagesingh Dubersingh Nayak And Anr.

...Applicants/

...Appellants

Versus

Union Of India, Through General Manager,
Western Railway

...Respondent

Mr. Vaneet Khosla, Advocate for Applicants.

Ms. Jyoti Yadav i/sb. Mr. Santosh Kumar, Advocate for Respondent.

CORAM : M.M. SATHAYE, J.

DATE : 22nd DECEMBER, 2023

P.C. :

1. This is an application for restoration of the above First Appeal which was dismissed for want of prosecution under conditional Order dated 10/08/2023. There is delay of 51 days.

2. Heard learned counsel for the Applicants and learned counsel for the Respondent.

3. Perusal of the Order dated 10/08/2023 shows that nobody appeared for both the parties on that day. Considering the fact that this was an admitted appeal and further considering the averments in the application (paragraphs 3 to 5), sufficient cause is made out.

4. The application is allowed in terms of prayer clause (aa) and

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(b). Delay is condoned. The Appeal is restored to file for hearing.

5. Interim Application is disposed off. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)