

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

CIVIL APPLICATION (CAO) NO.291 OF 2023
IN
MISC. CIVIL APPLICATION STAMP NO.4196 OF 2023
IN
FIRST APPEAL NO.1774 OF 2019

Sandip s/o Babanrao Mohite
Vs.
Vinod Ajabrao Khedkar and others

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

Court's or Judge's orders

Mr. S. S. Alaspurkar, Advocate for appellant.
Mr. C. A. Anthony, Advocate for respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/04/2023

1. Learned Advocate Mr. Anthony waives notice for respondent No.3, but not filed Vakalatnama as yet.
2. Learned Advocate Mr. Anthony to file the Vakalatnama within two weeks.
3. Present application is for condonation of delay which is caused in filing the restoration application.
4. The appeal was dismissed as paper book was not filed within time. As per the contention of the applicant, the order was not noted inadvertently and therefore, delay was caused.

5. Learned Advocate Mr. Anthony for the respondent No.3 has no objection for condonation of delay. None appeared for the respondent Nos.1 and 2 though notice was served on them.

6. Considering the reasons mentioned in the application that inadvertently the order of this Court was not noted, therefore delay is caused and considering the fact that, the appellant filed an application for enhancement of the compensation as he sustained permanent disablement in the said accident and to do the substantial justice, delay deserves to be condoned.

7. In view of that, civil application No.291/2023 is disposed of.

MISC. CIVIL APPLICATION STAMP NO.4196 OF 2023

1. On filing the paper book within four weeks, the appeal be restored at its original stage.

2. Misc. Civil Application is disposed of.

3. Appeal be placed for final hearing, after filing of the paper book, its verification, as per its own turn.

(URMILA JOSHI-PHALKE, J.)

Sarkate