

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

**CIVIL APPLICATION NO.315 OF 2023 IN  
MISC. CIVIL APPLICATION (ST.) NO.4923 OF 2023 IN  
FIRST APPEAL (ST.) NO.23621 OF 2016**

(Padmabai wd/o Pratapsingh Rajput and ors. Vs. Union of India)

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Shri R.G. Bagul, Advocate for the applicants.  
Ms N.G. Choubey, Advocate for the respondent.

**CORAM:- URMILA JOSHI-PHALKE, J.**  
**DATED :- APRIL 5, 2023.**

Heard.

2. This application is for condonation of delay which is caused in filing the restoration application.

3. As per the contention of the learned Counsel for the appellant that the appeal was under the office objections as the Court fee was not paid by the original claimants. Inadvertently, the learned Counsel has not noted this fact and the appeal is dismissed.

4. The appellant has filed the appeal for grant of compensation as husband of the applicant No.1 died in an untoward incident.

5. It is submitted that there is sufficient and reasonable cause for condonation of delay.

6. Said application is strongly opposed by Ms Choubey, learned Counsel for the respondent on the ground that the delay is not properly explained.

7. Considering the fact that the applicants are claiming the compensation under the beneficial legislation and they have lost their earning hand in an untoward incident, therefore, they could not arrange the amount for court fee.

8. The order passed by the Registrar (Judicial) is not noted inadvertently by the learned Counsel for the appellants.

9. For the fault of the learned Counsel, the applicant should not be punished.

10. In view of that delay of 1471 days is condoned.

11. Civil application is disposed of.

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On depositing the court fee within two weeks, the appeal be restored at its original stage.

2. The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**

*\*Divya*