

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

CIVIL APPLICATION (O) NO.920 OF 2022

IN

MISC. CIVIL APPLICATION (ST) NO.4901 OF 2022

IN

FIRST APPEAL (ST) NO.12179 OF 2016

[Smt. Shitalo wd/o Sandip Lokhande ..V/s.. Bhujang s/o Punjabrao Nistane
and Ors.]

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

Court's or Judge's order

Ms A. Sharma, Adv. h/f Mr P. R. Agrawal, Advocate for Appellant.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 25th APRIL, 2023.

1. Present application is for condonation of delay of 1316 days, which is caused in filing the restoration application on the ground that as the appellant could not pay the deficit Court Fees within stipulated time due to financial constraints. The appeal was dismissed by the order of the Registrar (Judicial).

2. As per the contention of the appellant, she is the original claimant. As she sustained the injuries in an accident, her working capacity was affected and there was no source of income for her, therefore she could not arrange the deficit Court Fees. The conditional order passed by the Registrar (Judicial) was not inadvertently noted by the learned Counsel, and therefore, the appeal was dismissed.

3. In view of the reasons mentioned in the application and considering the appellant has claimed the compensation under the beneficial legislation, sufficient opportunity is to be granted to her.

4. In view of the above, the application is allowed and delay of 1316 days is hereby condoned.

5. The civil application is disposed of.

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6. On depositing the Court fees stamp within four weeks, the appeal be restored at its original stage. On failure to deposit the Court fees stamp within four weeks, the earlier order passed by the Registrar (Judicial) will survive.

7. The civil application is disposed of.

JUDGE