

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

CIVIL APPLICATION (CAO) NO. 218/2020 IN
M.C.A. ST. 8257/2019 IN R.C. NO. 226/2019/2019
(F.A. ST. 21126/2018)

Mr. Budharam S/O Hariram Chavhan And Another
Vs

Union Of India Through General Manager, Central Railway, Mumbai (Cst)

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

Court's or Judge's Order

Mrs U.A. Bhattad, Advocate for the appellants.

Ms Chaubey, Advocate for the respondent.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 01/03/2023.

1. Heard.
2. By this application, appellants are seeking condonation of delay of 31 days in filing restoration of the First Appeal Stamp No. 21126/2018.
3. As per the contention of the appellants, they have preferred this appeal against the judgment and award passed by the Railway Claims Tribunal, however, the appeal was under office objections.
4. The Registrar (Judicial) has passed the conditional order of removing the office objections within a period of two weeks. The said conditional order was not noted by the learned advocate for the appellants and therefore, the objections are not removed. As the office objections are not removed by the order of the Registrar (Judicial), the appeal is dismissed.

5. The order of dismissal is also inadvertently not noted by the learned advocate for the appellants and therefore, the restoration application is not filed within time.

6. As per the contention of the learned advocate, inadvertently advocate has not been noted therefore, the delay is not an intentional one. The appellants have lost their son in an untoward incident and they claimed compensation if the delay is not condoned. They will deprive of getting compensation under the beneficial legislation.

7. In view of the reasons mentioned in the application, the delay of 31 days is condoned.

Civil application No. 218/2020 is disposed of.

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On removal of the office objections within a period of two weeks, the appeal be restored on its registration stage.

On failure to remove of office objections within a period of two weeks, the earlier order passed by Registrar (Judicial) will survive.

Civil application is disposed of.

JUDGE