



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

CIVIL APPLICATION (CAS) NO. 1393/2023
IN
SECOND APPEAL STAMP NO. 17390/2023

Sanjay Kumar S/o Mahendra Kumar Jain
Vs.
Western Coalfields Ltd., Nagpur

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

Court's or Judge's orders

Shri R.D. Dandawate, Advocate h/f Shri M.P. Khajanchi, Advocate for appellant

CORAM : SMT. M.S. JAWALKAR, J.
DATE : 05/12/2023

Present application is filed for condonation of delay in filing second appeal. For the reasons stated in paragraph Nos. 2 and 3, I am satisfied that there is no intentional or deliberate delay. Delay has been caused for justifiable reasons. As such, application is allowed.

2. Delay in filing second appeal is hereby condoned.

3. Registry is directed to register second appeal.

SECOND APPEAL STAMP NO.17390/2023

Issue notice to the respondent, returnable within three weeks on following substantial question of law

:

“(i) Does not the doctrine of contra proferentem referred to by the Apex Court in the case of Rashtriya Ispat Nigam Limited Vs. Dewan Chand Ram Saran reported in 2012 (5) SCC 306, 2012 AIR (SC) 2829 holding that in the event of ambiguity in the terms of contract, the interpretation against the party drafting a contract prevails and therefore Condition No.10 prevails over Condition No.15?”

(SMT. M.S. JAWALKAR, J.)