



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14721 OF 2024
IN
FIRST APPEAL NO.1059 OF 2024

Employees' State Insurance Coporation ... Applicant.
Versus
Shri Sudhakar B. Kotkar and Anr. ... Respondents.

Mr. Shailesh S. Pathak a/w. Mr.T.R.Yadav, for the Applicant-ESIC.
Mr. Sunil Patil, for Respondents.

Coram : Sharmila U. Deshmukh, J.
Date : December 18, 2024

P. C. :

1. Interim Application has been preferred to recall the order 13th September, 2024. By order dated 13th September, 2024, this Court had noted the office noting that the First Appeal has been already dismissed for non filing of the private paper-book and no Interim Application has been filed for restoration of the Appeal and therefore, the Appeal already stands dismissed.

2. Learned Counsel appearing for the Applicant would point out that the noting in the cause-list of the relevant date indicates that the said noting was in respect of First Appeal No.1367 of 2019 and not in respect of First Appeal No.1059 of 2024. He

submits that by reason of incorrect office noting, the order came to be passed which needs to be recalled.

3. He would further submit by order of 27th September, 2024 pursuant to the directions of this Court, the present Interim Application has been filed.

4. The position which is demonstrated from the cause-list is undisputed. As the said noting was in respect of First Appeal No. 1367 of 2019, the order of 13th September, 2024, recording that the First Appeal No.1059 of 2024 stands dismissed, is required to be recalled.

5. In light of the above, the Interim Application is allowed. The order dated 13th September, 2024 is recalled. First Appeal No.1059 of 2024 is restored to file.

[Sharmila U. Deshmukh, J.]