



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

CIVIL APPLICATION (CAO) NO. 767 OF 2024
IN
MISC. CIVIL APPLICATION (ST.) NO. 6201 OF 2024
IN
FIRST APPEAL NO. 641 OF 2014 (D)

Surendra S/o Pandurangji Tawlare and others
..VS..

The Union of India through the General Manager, Central Railway, Chhatrapati
Shivaji Terminus, Mumbai and others

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

Court's or Judge's orders

Mrs. S.W. Deshpande, Advocate for applicant.
Mrs. Neerja Choube, Advocate for respondent Nos.1 & 3.
Mr. M.A. Kadu, AGP for respondent No.2.

CORAM : SANJAY A. DESHMUKH, J.

DATED : 10th JULY, 2024

1. This is an application for condonation of delay under Section 5 of the Limitation Act caused for filing restoration application in First Appeal No.641 of 2014.
2. Issue notice to the respondents.
3. Mrs. Neerja Choube, Advocate waives service of notice on behalf of respondent Nos.1 and 3.
4. Mr. M. A. Kadu, learned A.G.P. waives service of notice on behalf of respondent No.2.
5. Perused the application.
6. Heard learned Advocates for both sides.
7. Considering the peculiar set of facts, it would be proper to condone the delay in the interest of justice. The application is allowed conditionally. Considering the delayed period of 1924 days caused for filing restoration

application, in case the appeal is allowed, the appellant shall not be entitled for interest in delayed period, as per the Judgment *New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma*, reported in *2022(16) Scale 653*,

8. The application is **disposed of**.

MISC. CIVIL APPLICATION (ST.) NO. 6201 OF 2024

1. This is an application for restoration of First Appeal No.641 of 2014, which was dismissed on 20.12.2016.
2. Issue notice to the respondents.
3. Mrs. Neerja Choube, Advocate waives service of notice on behalf of respondent Nos.1 and 3.
4. Mr. M. A. Kadu, learned A.G.P. waives service of notice on behalf of respondent No.2.
5. Perused the application.
6. Heard learned Advocates for both sides.
7. For the reasons stated in the application, the application is allowed on the condition that it can be heard as early as possible within a month.
8. The application is **disposed of**.

(SANJAY A. DESHMUKH, J.)