



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

FIRST APPEAL NO. 539/2005

Western Coalfields Ltd. Chandrapur .Vs. Laxman Konduji Jungari and ors.

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

Court's or Judge's orders

Mr. P. V. Ghare, Advocate for appellant.
Mr. A. B. Nakshane, Advocate for respondent no.1.
Ms H. H. Dhande, A.G.P for respondent nos. 2 and 3.
Mr. P. V. Navlani, Advocate for respondent no.4.

CORAM : ANIL L. PANSARE, J.

DATE : 28.02.2024

Civil Application Nos. 675/16 with M.C.A.St.No.18541/15

Heard.

First Appeal Nos.539/2005 and 540/2005 were both dismissed for non filing of paper book.

The appellant had filed applications to restore the first appeals vide Civil Application Nos.689/2016 and 675/2016 respectively. Civil Application No.689/2016 came to be allowed vide order dated 30.01.2018. However, Civil Application No.675/2016 was not listed and, therefore, no order has been passed.

Thus, it appears that both the appeals were dismissed on the same count. The appellant in both the appeals filed applications to restore the appeals. However, only one appeal came to be listed and accordingly First Appeal No.540/2005 has been restored. The present applications were not listed and, therefore, the present appeal has been not restored on file.

Counsel for the non applicants have opposed the applications. However, considering the fact that the connected appeal has been restored, it will be in the interest of justice to have a finding on merit in both the appeals.

In view thereof and for the reasons set out in the applications, the applications are allowed. First Appeal No.539/2005 is restored.

Civil Application St. No.18554/2015

A request is made to dispense with filing of the private paper book on the ground that in the connected matter, private paper book is already filed.

The request, being reasonable, is allowed as prayed for.

(Anil L. Pansare, J.)