



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

Civil Application [CAF] No.3060 of 2023

in

First Appeal St.No.19317 of 2023

Area General Manager, Western Coalfields Ltd.

vs.

Lalita wd/o Ashok Burrewar and others

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. A.M. Ghare, Advocate for the Applicant/Appellant.

Mr. B.S. Mandhare, Advocate for Respondent Nos.1 to 3.

CORAM : M.W. CHANDWANI, J.

DATE : 27th JUNE, 2024.

Heard.

02] By the present application, the applicant/appellant is seeking condonation of delay of 225 days caused in filing the present appeal. The contention is that the appellant got the knowledge of the present impugned judgment after the execution proceedings came to be filed by respondent Nos.1 to 3. It is mentioned in the application that due to flood, the notice of the claim petition got misplaced and, therefore, the claim petition could not be contested by the appellant before the Tribunal. As a result of which, an *ex parte* order came to be passed against the applicant.

03] It is not in dispute that another claim petition arising out of the same accident was contested by the appellant, which came to be dismissed. There was no other reason for the appellant for not contesting the another claim petition. The impugned order is an *ex parte* order. This supports the reasons mentioned in the application. Hence, the delay in filing the first appeal is hereby condoned. The

appeal be registered. The application is allowed and disposed of accordingly.

First Appeal St. No.19317/2023:

Heard.

02] **Admit.**

03] Issue notice to the respondents, returnable within three weeks.

04] Learned Counsel Mr. B.S. Mandhare waives service of notice for respondent Nos.1 to 3.

05] Call for record and proceedings.

JUDGE

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