



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

CIVIL APPLICATION (CAO) NO. 519 OF 2024
IN
MISC. CIVIL APPLICATION ST. NO. 7120 OF 2024
IN
FIRST APPEAL NO. 524 OF 2018 (D)

RAJKANYA Wd/o DEVIDAS DARODE AND ANOTHER
VERSUS
UNION OF INDIA, THRU. GENERAL MANAGER, WESTERN RLY., MUMBAI

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

Court's or Judge's Order

Mr. R. G. Bagul, Advocate for the appellant
Ms. N. G. Choube, Advocate for the respondent.

CORAM : G. A. SANAP, J.
DATE : APRIL 24, 2024.

1. Heard learned advocates for the parties.
2. This is an application for condonation of 1292 days delay caused in filing application for setting aside dismissal order dated 03.09.2015 and for restoration of the appeal.
3. The reasons have been stated in the application. It is stated that the erstwhile Advocate appearing for the appellant could not mark the date of listing of the matter for final disposal. The Clerk of the Advocate on the given date was not well. Therefore, the appeal was dismissed for non-prosecution. It is further stated that the advocate did not communicate the order of dismissal to the appellants as well as the future course of action in the appeal.
4. On going through the application and considering the facts that the appeal was under the beneficial piece of

legislation, it would be just and proper to condone the exercise the discretion in favour of the appellant.

5. Accordingly, the application is allowed. Delay of 1292 days is condoned, subject to payment of costs of Rs.1,000/- (Rupees One thousand only) to the Vidarbha Lady Lawyers' Association, Nagpur within two weeks.

6. The restoration application be registered.

7. CAO stands disposed of.

Misc. Civil Application (St.) No. 7120 of 2024

1. Heard.

2. This is an application for restoration of First Appeal, which was dismissed for non-prosecution.

3. In view of the reasons stated in the application, the application is allowed. Dismissal order dated 03.09.2018 is set aside. The First Appeal be restored to its original number and then listed for final hearing.

4. MCA stands disposed of. No order as to costs.

(G. A. SANAP, J.)