



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

CIVIL APPLICATION (CAO) No.855 OF 2024
IN
MISC. CIVIL APPLICATION ST. No.9924 OF 2024
IN
FIRST APPEAL STAMP No.24663 OF 2015 (D)

(Ramesh Madhaorao Varkari Vs. Union of India, through the General Manager, South
Central Railway Secunderabad)

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

Court's or Judge's orders.

Ms. Priya A. Thakre, Advocate for appellant.
Ms. Suhasini Deshpande, Advocate for respondent.

CORAM : SANJAY A. DESHMUKH, J.
DATE : 30th SEPTEMBER, 2024.

1. This is an application for condonation of delay of 2083 days caused for filing application for restoration of the appeal.
2. Perused the application.
3. Heard learned Advocates of both sides.
4. Learned Advocate for the applicant submitted that earlier Advocate Mr. S.K. Sable was representing the applicant, who died in COVID-19. Therefore, the delay is caused. The applicant is poor and old aged person and therefore, cannot pursue the matter. The delay is not deliberately caused.
5. Learned Advocate for the respondent strongly objected the application and submitted that there are no sufficient reasons to allow this application.

6. It appears that the delay is not deliberately caused as the Advocate Mr. S.K. Sable for the applicant died in COVID-19. This is the sufficient reason for allowing the application. The application deserves to be allowed in the interest of justice.

7. The application is allowed.

8. The delay of 2083 days caused for filing application for restoration of the appeal is condoned.

9. The application is disposed of.

MISC. CIVIL APPLICATION ST. No.9924 OF 2024.

1. This is an application for restoration of appeal which was dismissed for non-removal of office objections.

2. Issue notice to the respondent.

3. Ms. Suhasini Deshpande, learned Advocate waives service of notice on behalf of respondent.

4. Perused the application.

5. Heard learned Advocates of both sides.

6. Learned Advocate for the respondent strongly opposed the application.

7. The fact is that Advocate Mr. S.K. Sable died in COVID-19. This is the sufficient reason to restore the application. The application deserves to be allowed in the interest of justice.

8. The application is allowed.

9. The appeal is restored on its original stamp number.

10. The application is disposed of.

FIRST APPEAL STAMP No.24663 OF 2015 .

1. Issue notice to the respondent.

2. Ms. Suhasini Deshpande, learned Advocate waives service of notice on behalf of respondent.
3. Call R. & P.
4. Filing of the paper-book is dispensed with, subject to the condition that necessary documents be provided to the Court and other side.
5. Stand over after two weeks.

(SANJAY A. DESHMUKH, J.)