

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
INTERIM APPLICATION NO. 19644 OF 2022
IN
FIRST APPEAL NO. 44 OF 2014

Shivani Shivaji Rendalkar and Ors. Applicants

Versus

Anandrao Tukaram Kurne and Ors. Respondents

Mr. Ameyprasad Atigre i/b Mr. Kedar Lad, for the Applicants.
Mr. Devendranath S. Joshi, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th JUNE, 2025.

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P.C. :

1. Heard learned counsel for the Applicants and learned counsel for Respondent No.2.
2. By this application, the Applicant is seeking restoration and recall the order dated 6th May, 2014 passed by this Court.
3. Learned counsel for the Respondent No.2 strongly objected to restore the appeal, and there is delay of eight years for filing the appeal. The Applicants are legal heirs of the deceased. The appeal was dismissed due to non-filing of the paper book within a

prescribed period.

4. The Applicants cannot be considered negligent for the said act. Due to oversight of counsel representing the Appellant, the papers could not have been filed, but the Appellant could not be suffered for it. Though, there is delay of 8 years for filing the appeal. If order is passed that the Appellant is not entitled interest on compensation amount for a period of eight years i.e. delayed period, if they succeed in the appeal would suffice, and I pass following order :

ORDER

- i. Application is allowed.
 - ii. The order dated 6 the May, 2014 passed by this Court is recalled.
 - iii. The First Appeal No.44 of 2014 is restored.
 - iv. The Appellant is not entitled interest on compensation amount for a period of eight years, if they succeed in the appeal.
5. In view of the above, the application is allowed and disposed of.

(SHIVKUMAR DIGE, J.)