



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

CIVIL APPLICATION [CAO] NO.896 OF 2023
IN
MISC. CIVIL APPLICATION ST. NO.6445 OF 2023
IN
FIRST APPEAL ST. NO.604 OF 2019
[Taj Kha s/o Pir Kha Pathan and one .vs. Union of India]

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

Court's or Judge's orders

Ms. Gayatri Dive, Advocate for Applicants.
Ms. N.G. Chaubey, Advocate for Respondent.

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CORAM : PRAVIN S. PATIL, J.
DATED : 06.11.2025.

1. By this application, the applicants are seeking the condonation of 44 days delay in preferring the application for restoration of appeal.
2. It is pointed out that this court by common order dated 1.12.2022 granted six weeks time to file the private paper book. In the said order, it was made clear that if within a period of six weeks if private paper book is not filed, the appeal will stand dismissed.
3. According to the applicants, inadvertently the order was not noted down properly and accordingly within prescribed time period the private paper book was not filed in the matter.
4. Hence, considering the reasons stated in the application, the delay of 44 days is hereby condoned.
5. Application stands disposed of.

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6. It is stated that the present accompanying appeal is arising out of the railway accident. According to the appellants, from the record and proceeding the matter can be decided finally. The appellants are ready to supply the relevant copies of the depositions to the learned counsel for the respondent. Hence, it is her submission that in absence of private paper book she is ready for final argument in the matter on the basis of record and proceeding.

7. By accepting this statement, the order of dismissal is hereby quashed and set aside.

8. The office is directed to restore the present appeal.

9. Application stands disposed of.

10. List First Appeal for final disposal as per its turn.

(PRAVIN S. PATIL, J.)