



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

CIVIL APPLICATION (F) NO.136 OF 2025

IN

FIRST APPEAL (ST) NO.22789 OF 2019

[Dagadu Narsing (Koli) Narewad (Dead) thr LRs. ..Vs.. The State of
Maharashtra and Ors.]

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

Court's or Judge's order

Mr V. N. Patre, Advocate for Applicant/Appellant.
Mr S. B. Bissa, AGP for Non-Applicants/State.
Mr M. A. Kadu, Advocate for Non-Applciant/Respondent No.2.

CORAM : M. W. CHANDWANI, J.

DATE : 24th FEBRUARY, 2025.

1. Heard.
2. By the present application, the applicants/appellants seek to file an appeal against the impugned award passed by the Reference Court.
3. The contention is that after the reference came to be dismissed, the original claimant expired, therefore, the legal representatives of the original claimant are intending to file appeal.
4. Since right to sue survives in favour of the applicants, the application is allowed and leave to file appeal is granted.
5. The application is disposed of accordingly.

CIVIL APPLICATION (F) NO.629 OF 2020

6. By this application, the applicants/appellants seek to condone the delay of 2657 days caused in filing the appeal.

7. The contention is that after the reference came to be dismissed, the original claimant died. The legal representatives of the original claimant were not having any knowledge about dismissal of reference, which was filed by their father.

8. For the reasons mentioned in the application, the application is allowed. The delay caused in filing the appeal is hereby condoned. The appeal be registered and numbered accordingly.

9. It is made clear that the applicants/appellants shall not be entitled to the interest for the delayed period.

10. The civil application stands disposed of.

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11. Heard.

12. Mr S. B. Bissa, learned AGP waives service of notice on behalf of respondent Nos.1 and 3 and Mr M. A. Kadu, learned counsel waives service of notice on behalf of respondent No.2.

13. Stand over after three weeks.

JUDGE

Tambe