



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

SECOND APPEAL NO. 112/2025

(Western Coalfields Ltd & anr. Vs. Smt. Yashoda Narayan Kanathe)

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

Court's or Judge's orders

Mr. P.V. Ghare, Advocate for appellants.
Mr. M.R. Puranik, Advocate for sole.

CORAM: ROHIT W. JOSHI, J.

DATED : 28/04/2025.

Heard.

2. **Admit** on the following substantial question of law:-

“Whether the suit filed on 27.06.2014 was within limitation having regard to the fact that representation for correction of date of birth was rejected by the appellant/original defendant vide order dated 29.01.2010 or is the cause of action to challenge incorrect date of birth recorded in service records a continuing cause of action?”

Civil Application (S) No. 194/2025

1. Heard.

2. The original defendant/appellant seeks stay to the execution, effect and operation and implementation of the impugned decrees. Both the Courts have concurrently held

that the correct date of birth of respondent/plaintiff should be 16.03.1968 as against 16.03.1958 which is recorded in the service records of the defendant. The defendant/plaintiff has filed two documents on record with respect to birth of her children. As per those documents, her age on the date of appointment in the year 1990 would be 21 years. That apart, in the year 1991 after her appointment, the medical board of the appellant/defendant has determined her age, according to which her age should be 23 years in the year 1991. In that view of the matter, I am not inclined to grant stay to the effect, operation, execution and implementation of the concurrent decrees passed by learned Court.

3. Application for grant of stay is rejected.

(ROHIT W. JOSHI, J.)

Gohane