**In The Hon'ble High Court Of Himachal Pradesh At Shimla**

FAO (WC) No: \_\_\_\_\_\_ of 2004

MEMO OF PARTIES

Appellant/\_\_\_\_\_\_

Versus

Respondent/\_\_\_\_\_\_\_\_

First Appeal under Section 30 of the Workmen's Compensation Act, 1923 Against Order  dated \_\_\_\_\_\_\_ of the Ld. Commissioner Workmen's Compensation, \_\_\_\_\_ passed in Case No. : \_\_\_\_\_\_\_ titled as \_\_\_\_\_

Shimla                                                                                                  Appellant

\_\_\_\_\_                                                                                                  Through, Advocate

Respectfully Sheweth:-

1. That briefly the fact of the case are that \_\_\_\_\_

GROUNDS

2. That the impugned order dated \_\_\_\_\_ passed by the Ld. Commissioner below is against the law and facts of the case on record and deserves to be quashed and set aside.

3. That the Ld. Commissioner below has acted with serious  illegality in the exercise of jurisdiction vested in  him  by law and has failed to appreciate the provisions of law as contained in Section 4 of the Workmen's Compensation Act as well as the facts proved on record. \_\_

4. That the Ld. Commissioner below has acted with material illegality and irregularity inasmuch as \_\_\_\_\_\_.

5. That the Ld. Commissioner below has failed to exercise the jurisdiction so vested in him by law.  \_\_\_\_\_

6. That the Substantial Questions of Law arise for determination in this appeal which have been framed/formulated separately.

7.  That the present Appeal is maintainable before this Hon'ble Court.

8.  That the present appeal is being filed within the period of \_\_\_\_\_\_limitation.

9.  It is, therefore, most humbly prayed that this FAO may kindly be admitted and after calling for the record of the lower court and hearing both the parties, appeal may kindly be accepted and the order as passed by the Ld. Commissioner \_\_\_\_\_, may kindly be modified and compensation may kindly be enhanced from Rs. \_\_\_\_\_\_ to Rs. \_\_\_\_\_ as claimed in the application in the interest of justice.

Shimla                                                                                      Appellant

\_\_\_\_\_\_\_                                                                                  Through, Advocate

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

FAO (WC) No:\_\_\_\_\_ of 2004

Appellant

Versus

Respondents

SUBSTANTIAL QUESTIONS OF LAW

1.  Whether \_\_\_\_\_

2.  Whether \_\_\_\_\_

3.  Whether \_\_\_\_\_

Shimla                                                                                      Appellant

\_\_\_\_\_                                                                                      Through, Advocate

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

CMP (M) No.:\_\_\_\_\_ of 2004  in FAO (WC) No.:\_\_\_\_\_ of 2004

Applicants/Petitioners

Versus

Respondents

Application under Section 5 of the Limitation Act read with Section 30 (3) of the Workmen's Compensation Act, 1923 for condonation of delay in filing Appeal

Respectfully Sheweth :

1.  That the applicant has filed above FAO (WC) in this Hon'ble Court.

2.  That there is \_\_\_\_ days delay in filing the above FAO (WC) due to the reasons \_\_\_\_.

3.  That the delay in filing the above FAO (WC) is neither intentional nor willful but due to the good and sufficient reasons shown hereinabove.  Interest of justice demands that the present application is allowed and the delay in filing FAO (WC) is condoned so that the matter can be adjudicated upon on its merit.

4.  It is, therefore, most respectfully prayed that this application may kindly be allowed and the delay of \_\_\_\_\_ days in filing the above FAO (WC) may kindly be condoned and the matter may kindly be heard on its merit in the interest of justice.  Such other orders as deemed fit and proper in the facts and circumstances of the case may kindly also be passed.

Shimla                                                                                      Appellant/Applicant

\_\_\_\_\_                                                                                      Through, Advocate

**BEFORE THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

CMP No.:\_\_\_\_\_ of 2004 in FAO (WC) No.:\_\_\_\_\_  of 2004

Appellant/Applicant

Versus

Respondents/Non-Applicants

Affidavit in support of application under Section 5 of the Limitation Act read with Section 30 (3) of the Workmen's Compensation Act

I,\_\_\_\_\_,  do hereby solemnly affirm and declare as under :-

1.  That the accompanying application has been prepared under my instructions.

2.  That the contents of paras 1 to 4 of the accompanying application  are correct and true to the best of my knowledge.

3.  That I further solemnly affirm and declare that this affidavit of mine is correct and true, no part of it is false and nothing material has been concealed therein.

Affirmed at Shimla this the \_\_\_\_\_.

Deponent

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

FAO (WC) No: \_\_\_\_\_ of 2004

Appellant

Versus

Respondents

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Shimla                                                                                      Appellant

\_\_\_\_\_\_                                                                                    Through, Advocate

**OPENING SHEET FOR CIVIL APPEAL**

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

**CIVIL APPELLATE SIDE**

Regular FAO (WC) No.: \_\_\_\_\_\_of 2004

ORIGINAL SUIT:

Court                         : Ld. Commissioner Workmen's Compensation \_\_

Instituted on                 :  \_\_

Decided on                    :  \_\_

FIRST APPEAL:

Court                         :  \_\_

Instituted on                 :  \_\_

Decided on                    :  \_\_

Date of Filing Appeal/        :  \_\_

Revision in High Court

Value for purpose of          :  \_\_

Jurisdiction

Value for purpose of          :  \_\_

Court Fee

Amount of Court Fee           :  Rs. \_\_\_\_\_\_

on Appeal/Revision

Presented by                  : \_\_\_\_\_\_ Advocate.

Appellant/\_\_Plaintiff/Defendant/Petitioner/Respondent

Respondent//\_\_Plaintiff/Defendant/Petitioner/Respondent

Order of First Court and Date: \_\_\_\_\_\_

Order of Appellate Court and date: \_\_\_\_\_\_

Order Confirming, reversing or modifying : \_\_\_\_\_\_

Original claim as given in plaint: \_\_\_\_\_\_

Claim in Appeal (Stating whether the appeal in from a decree or order) : The appeal is from the order of the Ld. Commissioner Workmen's Compensation dated \_\_\_\_\_\_

Enactment and Section under which the Appeal lies: Section 30 of the Workmen's Compensation Act