

pmw

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.75 OF 2015
IN
FAMILY COURT APPEAL NO.16 OF 2008
WITH
CIVIL APPLICATION NO.76 OF 2015
IN
FAMILY COURT APPEAL NO.17 OF 2008

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Mr. Omkar Nagvekar i/by Mr. Sagar Kasar, for the Applicant in both
Applications.

Mr. Ravindra V. Sankpal, for the Respondent in both Applications.

**CORAM : A.S. OKA &
A.K. MENON, JJ.**

DATE : 11th MARCH, 2015

P.C.

. Heard the learned counsel appearing for
the Applicant and the learned counsel
appearing for the Respondent. This application
for restoration is opposed by the learned
counsel appearing for the Respondent by
pointing out that repeatedly the Applicant
remained absent.

2. However, considering the averments made in the application, it appears to us that the Advocate was not aware that the Appeal was listed on the final hearing board. A case for restoration is made out as a litigant cannot be allowed to suffer due to inadvertent error on the part of his or her Advocate. Accordingly, a case for restoration is made out. Applications are allowed in terms of prayer clause (A) subject to condition that as and when the Appeals are called out for final hearing, the Applicant will not be entitled to seek any adjournment.

3. We direct the Applicants to pay costs quantified at Rs.2,500/- each to the Respondent within a period of two weeks from today. Appeals shall be immediately added to the appropriate final hearing board.

(A.K. MENON, J)

(A.S. OKA, J)