

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1003 OF 2014
IN
SECOND APPEAL NO. 787 OF 2006

Smt. Yashoda Rau Mane ... Applicant
vs.
1) Shri Pandu Kondi Jadhav (Dismissed) ... Respondents
2) Laxman Pandu Jadhav.

.....
Mr. Amit Borkar for Applicant.
Mr. Ajay Magdum i/b S.S.Patwardhan for Respondent No.2.
.....

CORAM : K.K. TATED, J.
DATE : 7th OCTOBER, 2015.

P.C.:

Heard learned counsel for parties.

2. Office note shows that Civil Application stood dismissed against respondent No.1 vide order dated 29th November, 2010.

3. This application is preferred by applicant for restoration of Second Appeal No. 787 of 2006 which was dismissed for non-prosecution by order dated 21st February, 2013 passed by this Court (Coram : R. Y. Ganoo, J.).

4. Considering the submissions made by the learned counsel for applicant and averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing the Civil Application on payment of cost to the respondent. Hence, the following order:

ORDER

- i) Delay of 1 year and 37 days in preferring the Civil Application is condoned.
- ii) Order dated 21st February, 2013 passed by this Court is recalled.
- iii) Second Appeal No.787 of 2006 with Civil Application No.1195 of 2006 is restored for hearing on its own merits.
- iv) Office is directed to make an endorsement on Second Appeal Memo in cause title that Second Appeal stood dismissed against Respondent No.1 Pandu Kondi Jadhav.
- v) Applicant either to pay to the respondent or their Advocate or deposit in Registry a sum of Rs.5,000/- towards the cost within four weeks from today, failing which Civil Application shall stand dismissed without referring back to the Court.
- vi) Civil Application is disposed of accordingly.

(K.K. TATED, J.)