

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.208/2015
IN
MISC. CIVIL APPLICATION NO.155/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sarthak Diwan i/b. P. C. Deshpande for the Applicant

CORAM : K. K. TATED, J.

DATE : OCTOBER 13, 2015

P.C.:

1. Heard. This Application is for restoration of the Misc. Civil Application which was dismissed for default by an order dated 21/08/2015.

2. The learned counsel for the Applicant submits that on 21/08/2015 the advocate on record could not appear before this court when the matter was called out as he was not in court due to personal difficulty. He further submits that his colleague advocate, who was supposed to appear and take an adjournment, could not appear in the matter, as he was held up in some other court. Hence, the Application may be restored to file for hearing on merits. He submits that if Application

is not allowed, irreparable loss will cause to the Applicant. He submits that because of mistake on the part of the Advocate, the Applicant should not suffer.

3. Heard the learned counsel for the Applicant at length. It is to be noted that in the present proceedings none appeared for the Applicant on 07/04/2015 and thereafter again on 21/04/2015. Hence, the matter was kept on board for dismissal on 21/08/2015.

4. On 21/08/2015 none appeared. Hence, the Application was dismissed for default. The Applicant has not given any reason in the entire Application as to why none appeared on behalf of the Applicant on earlier occasion on 07/04/2015 and 21/04/2015.

5. Considering these facts, I am of the opinion that the Applicant has not made out any case for allowing the Civil Application. Hence, same stands rejected.

JUDGE