

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO.937 OF 2014

IN

M.C.A.(ST) NO. 14159 OF 2014

IN

F.A. NO.251 OF 2006

Smt. Usha Manohar Masram & Ors.

-vs-

Smt. Kantabai Wd/o Manohar Masram & Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms Archana Narad, Advocate h/f Ms Kirti Satpute,
Advocate for appellant/applicant.
Shri V. N. Morande, Advcoate for respondent Nos.1 to 6.

CORAM : A.S.CHANDURKAR, J.

DATE : APRIL 06, 2015

Prayer is to condone delay in filing application for restoration of the First Appeal that came to be dismissed for want of prosecution.

It is stated that the earlier counsel discontinued her practice and said fact was not informed to the applicants. After getting knowledge of said fact in January 2014, the present application has been moved.

Application is opposed by the learned counsel for respondent Nos.1 to 6 on the ground that reasons assigned are not sufficient.

Considering the averments made, it is clear that the Appeal came to be dismissed on account of inaction on the part of the applicants' counsel. Hence accepting aforesaid reasons, the delay in filing restoration application stands condoned.

C.A. is allowed in aforesaid terms.

..2/-

M.C.A. (St). No.14159 of 2014.

Though the prayer is opposed by the learned counsel for respondent Nos.1 to 6, the same is allowed. The order dated 06/05/2008 is recalled and First Appeal is restored to file.

M.C.A. is disposed of.

F.A. No.251 of 2006

Shri V. N. Morande, learned counsel waives notice on behalf of respondent Nos.1 to 6 in the appeal.

JUDGE

Asmita