

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL APPLICATION NO.41 OF 2015
IN
LETTERS PATENT APPEAL NO.291 OF 2011

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

Court's or
Judge's orders.

Ms. Yogita M. Deshmukh for the Applicant.
Ms. Manjiri Parasnis for the Respondents.

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CORAM : A.S. OKA & A.M. BADAR, JJ
DATED : 24TH NOVEMBER 2016

P.C.:

. Heard learned counsel appearing for the Applicant. On 6th March 2014, the Letters Patent Appeal filed by the Appellant was dismissed for non-prosecution. The learned counsel appearing for the first Respondent states that she has returned the papers.

2. In the Letters Patent Appeal, notice was not issued to the Respondents. Hence, it is not necessary

to issue notice of this Application to the Respondents.

3. Paragraph 6 and 7 of the Application show that due to financial crunch, the Appellant could not pay the fees of the Advocate engaged by him and therefore, the Advocate did not remain present when the Appeal was called out.

4. In view of the said averments, a case is made out for condonation of delay and for restoration. Accordingly, the Application is allowed in terms of prayer clauses (a) and (b). The Appeal shall be listed for admission in the category of “Fresh Matters” on 5th December 2016. We make it clear that no adjournment will be grant to the Appellant on any ground whatsoever.

(A.M. BADAR, J) `

(A.S.OKA, J)