

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 871 OF 2016

IN

FIRST APPEAL NO. 690 OF 2014

Dilip Moreshwar Mone

.....Applicant

V/s.

1. Girish Balkrishna Dandekar & anr.

.....Respondents

* * * * *

Mr. Prakash Kilpady, Advocate for the applicant.

None for the respondents.

Coram :- Smt. R.P. SondurBaldota, J.

22nd April, 2016.

P.C. :-

1). This Civil Application is for restoration of the First Appeal which was dismissed for default on 12th January, 2016. The Civil Application has been served upon the respondents. However, they are absent today. Mr. Kilpady, the learned Advocate appearing for the applicant points out that, the appeal had wrongly appeared on the board on 12th January, 2016 on which date it was dismissed for default. He refers to the order dated 10th December, 2015 which had adjourned the matter to 14th January, 2016 for submissions on behalf of the respondents. The

submissions on behalf of the appellants were already made. Since the matter appeared two days in advance, none of the parties were present in the Court and the appeal came to be dismissed. The record confirms the submission of Mr. Kilpady that the appeal had wrongly appeared on the board on 12th January, 2016 and was dismissed. Hence, the Civil Application is allowed in terms of prayer clause (b).

(SMT. R.P. SONDURBALDOTA, J)