

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

CIVIL REVISION APPLICATION NO. 195 OF 2016

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. Vivek Sawant for the Applicant.

**CORAM : K. K. TATED, J.
DATED : 14/07/2016**

PC.:

. Heard learned Counsel for the applicant.

2 By this Civil Revision Application, defendant no.1 Bank challenges the order dated 12.09.2014 passed by Bombay City Civil Court, Mumbai in Notice of Motion No. 834 of 2014 allowing respondent's/ plaintiff's application for restoration of suit No. 3765 of 2012 which was dismissed for default on 21.12.2013 by condoning 34 days delay.

3 The learned counsel for the application Bank submits that Trial Court has not considered fact that the respondent/plaintiff failed to show sufficient cause for condoning 34 days delay in preferring the application for restoration of suit. He submits that Trial Court has allowed the plaintiff's application only on the ground that because of mistake of Advocate, litigant should not suffer. Hence,

impugned order is required to be set aside.

4 I heard learned counsel for the applicant at length. In the present proceeding, because of mistake on the part of Advocate, the respondent's/plaintiff's suit stands dismissed. Thereafter, there was delay of 34 days in filing the application for restoration. The Trial Court allowed the plaintiff's application for restoration and condoned the delay of 34 days on payment of cost of Rs.1,000/- .

5 It is to be noted that the litigant should not suffer because of the mistake on the part of Advocate. In the present proceeding, because of mistake on the part of Advocate, suit stands dismissed.

6 Considering this fact and reason given by the Trial Court in paragraph 5, I do not find any substance in the present Civil Revision Application.

7 Hence, Civil Revision Application stands dismissed.

(K.K.TATED, J.)