

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAO] No. 217 of 2016
IN
Misc. Civil Application St. No. 1668 of 2016
IN
Second Appeal No.202 of 1999 [decided]
[Smt. Indubai Rajaram Naokar & others Vs. Bhaurao Shrikrishna
Kanherkar & another]

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

Court's or Judge's orders

Mr. Abhay Bhide, Adv., for the appellants.

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CORAM : A.B. CHAUDHARI, J.

DATE : 29th March, 2016

This is an application for condonation of delay of 1642 days in filing application for restoration of the Second Appeal, which was dismissed in default by this Court on 24th June, 2011.

Heard learned counsel for the appellants. None for the respondents.

Though this application goes unopposed in the absence of respondents, in my opinion, in order to have adjudication on the dispute between the parties on merits, accepting the reasons offered in the application explaining the delay to be good and sufficient, the application is allowed and delay of 1642 days caused in

filing of application for restoration of Second Appeal is condoned.

M.C.A. St. No. 1668 of 2016 :

This is Misc. Civil Application to restore Second Appeal No. 202 of 1999, which was dismissed in default by this Court on 24th June, 2011.

Heard.

Accepting the reasons offered in the application explaining the situation which led to dismissal of the Second Appeal for want of prosecution, Misc. Civil Application is allowed. Second Appeal No. 202 of 1999 is restored to its file.

Learned counsel for the appellants to inform in writing the counsel for the respondents as well as the respondents about this order of restoration of Second Appeal.

Second Appeal :

Interim order is revived and shall continue.

Judge

