



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 14216 OF 2023
IN CA/1057/2018 IN SECOND APPEAL 383 OF 2011**

Nivrutti Kalu Karwar

VERSUS

Mahadu Dinkar Karwar Died Sundarabai And Ors.

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Mr. A. R. Borulkar h/f Mr. G. B. Kadlag, Advocate for
Applicant

Mr. V. D. Khivesara h/f Mr. A. S. Bajaj, Advocate for
Respondent Nos. 7 & 8.

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 14th FEBRUARY, 2025

PER COURT :-

1. Heard, Mr. Borulkar, holding for learned Advocate for
applicant.

2. Applicant seeks restoration of the Second Appeal that
has been dismissed for want of prosecution vide order dated
03.07.2023.

3. Learned Advocate appearing for respondents strongly
opposes the prayer for restoration.

4. Perused the application, the reason is given that
applicant had engaged a lawyer, but because of his personal

difficulties, he could not remain present before Court on the given dates.

5. Mr. Borulkar, submits that for default of the Advocate, the party shall not suffer. The dispute pertains to immovable properties.

6. Considering submissions advanced, though, strictly speaking, sufficient cause is not made out, fact remains that the applicant is litigating for rights over the immovable property and decision in such cases shall be on merit.

7. In that view of the matter, application is **allowed**, subject to condition that applicant deposits the cost of Rs.2,500/- (Two thousand five hundred) with Bar Library, Advocates Association of Bombay High Court, Bench At Aurangabad within period of two weeks from today.

(S. G. CHAPALGAONKAR, J.)