

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 1193 OF 2017****IN****CIVIL APPLICATION NO. 1834 OF 2016****IN****REJECTED CASE NO. 16 OF 2016**

Vinayak Ranu Dorge

... Applicant

Versus

Union of India

... Respondent

Ms. Savita Prabhune for the Applicant in both Civil Application and Appellant.
Ms. Vaishali Chaudhary a/w. Ashish Mehta for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 11th AUGUST, 2017

P.C.:

1. Second Appeal (St) No. 18002 of 2015 filed by the Appellant in the year 2005. However, since the Advocate for the Appellant failed to remove the office objections, despite being giving sufficient opportunity to do so, the same was rejected. Thereafter, the Appellant took out Civil Application No.1834 of 2016 seeking restoration of the Second Appeal. When the said Civil Application was called for hearing before this Court on 01.07.2017, the Advocate for the Appellant/Applicant failed to appear before this Court. The Applicant has now taken out the above Civil Application seeking recall of the order dated 01.07.2017 and restoration of Civil Application No. 1834 of 2016. The reason given by the Advocate for the

Applicant/Appellant for not remaining present in Court on 01.07.2017 is that she was under an impression that the matter will not reach. The said reason/excuse cannot be accepted. The conduct of the Advocate for the Applicant is strongly deprecated. Only because the Applicant will have to suffer grave harm, injury and prejudice if the Civil Application is rejected, the Civil Application No.1193 of 2017 is allowed and the order dated 01.07.2017 is set aside. For the same reason, Civil Application No.1834 of 2016 is also allowed and the Advocate for the Applicant is directed to remove the office objections on or before 14.08.2017.

2. A copy of the Second Appeal shall be served on the Advocate appearing for the Respondent.
3. The above Civil Applications No. 1193 of 2017 and Civil Application No. 1834 of 2016 are accordingly disposed off.
4. Place the above Second Appeal for admission on 29.08.2017, high on board.

(S.J.KATHAWALLA, J.)