

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 187 OF 2017
IN
SECOND APPEAL NO.410 OF 2013**

Dnyandev Siddhu Kumbhar & ors. ... Applicants / Appellants

V/s.

Dattatray Hari Gaikwad
since deceased through Lrs.

Smt. Shantabai Dattatray Gaikwad & ors. ... Respondents

...

Mr. Shailesh Chavan i/b. Mr. Milind Deshmukh for the applicants.

...

CORAM : S. C. GUPTE, J.

DATE : 3 FEBRUARY, 2017.

P.C. :

. This Civil Application seeks recall of a dismissal order passed by this Court on 19 August 2015 for default of appearance. The reasons for default is that the name of the advocate on record was misspelt on the website. The matter could not, therefore, be traced on the Internet and accordingly, the advocate on record was not aware about the matter and could not attend the same. There is a delay in taking out the present Civil Application. The delay is explained in para-2 on the same ground viz. that the advocate could not search the position of the matter on the Internet due to the spelling mistake in his name. For the reasons stated in the Civil Application, the delay is condoned and the Civil Application is allowed, the dismissal order passed on 19 August, 2015 is recalled and set aside and the Second Appeal is restored to file.

2. The Second Appeal to come up for admission on 27 February, 2017.
3. The appellant shall serve a private notice of the Second Appeal on the respondents. The office is directed to correct the name of the advocate in the record and on the Internet website.

(S. C. GUPTE, J.)