

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

**CIVIL APPLICATION NO. 367 OF 2017
IN
SECOND APPEAL NO. 426 OF 1994**

Shri Arun Vasant Kasar	...Applicant
vs.	
Shri Namdeo Raghunath Shitole	...Respondent

Mr.N.V. Walawalkar, Senior Advocate for Applicant.
None for Respondent.

**CORAM : S.C. GUPTE, J.
9 MARCH 2017**

P.C.:

Heard learned Counsel for the Applicant.

2 The applicant seeks recall of a dismissal order passed by this court in the second appeal on 9 February 2017. The dismissal was on the ground of want of prosecution.

3 It is clear from the record that both the Appellant and the Respondent were absent on a couple of occasions when the matter was kept back and finally, dismissed for want of prosecution. The civil application states that it was purely a case of oversight on the part of the Advocate appearing for the Applicant.

4 On these facts, the civil application is allowed by recalling the dismissal order passed on 9 February 2017. The appeal is restored to file and shall come up for final hearing in the week commencing from 3 April 2017. The special notice of this order and the date of the scheduled

hearing shall be communicated by the Appellant's Advocate to the Respondent.

(S.C. GUPTE, J.)