

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1786/2017
IN
SECOND APPEAL NO.833/2012

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Gajanan M. Savagave for the applicant
Mr. Ashish Pawar i/b. Manoj A. Patil for respondent
Nos.1 and 2.

CORAM : K. K. TATED, J.
DATE : DECEMBER 12, 2017

P.C.:

1. Heard. This application is for restoration of the Second Appeal and the Civil Application No.1615/2012 which stood dismissed for default by order dated 03.07.2017.

2. The learned counsel for the applicant submits that on that day the advocate on record was not keeping well. In support of this contention, he relies on paragraph 5 of the Civil Application. He submits that because of mistake on the part of the advocate, a litigant should not suffer. He submits that in the interest of justice this Hon'ble Court be pleased to recall the order dated

03.07.2017 and restore the Second Appeal on file for hearing on merits.

3. Though the respondents are duly served with the Civil Application they failed and neglected to file Affidavit-in-Reply.

4. Considering the submissions made by the learned counsel for the applicant and the reasons disclosed in paragraph 5 of the Civil Application, I am satisfied that the applicant has made out a case for allowing the Civil Application.

5. Hence, following order is passed:

a. Order dated 03.07.2017 passed by this court is recalled.

b. Second Appeal No.833/2012 and Civil Application No.1615/2012 are restored to file for hearing on merits.

c. Civil application stands disposed off accordingly.

d. No order as to costs.

JUDGE