

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAO) NO.581/2017

IN

MCA ST.NO.3390/2017

IN

SA. NO.323/2015

Khandu s/o Raoji Mankar (since deceased), thr. His LRs Smt. Chandrakala
Gawande and ors

..VS..

Purushottam s/o Parashram Mankar and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri S.S. Dhengale, Counsel for the applicants.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 6, 2017.

1. These are applications for condonation of delay and for restoration.
2. The second appeal was dismissed for want of prosecution on 11.1.2017 since it was observed that on four occasions learned counsel for the appellants was absent.
3. Notices on these applications for condonation of delay and for restoration were issued to the non-applicants. In spite of service, nobody appears for them.
4. On 24.11.2017, these applications were listed for consideration. However, in order to give a chance to the non-applicants to put their appearance, the matter was adjourned

and is placed on Board today.

5. According to the applications, wife of earlier counsel was having serious health issues and she was undergoing treatment at Spandan Hospital and, therefore, earlier counsel was unable to attend the Court. Consequently, the appeal was dismissed.

6. Statement of facts about ill-health of the wife of earlier counsel, which is supported by the discharge summary from the Spandan Hospital, is not controverted by the non-applicants.

7. In that view of the matter, both these applications are allowed. Delay in moving the application for restoration is hereby condoned. The application for restoration is allowed. Order dated 11.1.2017 is recalled.

8. The appeal is restored to file and be placed for ADMISSION after Christmas Vacations 2017.

9. The applications are allowed and disposed.

JUDGE

!! BRW !!

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