

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

CIVIL APPLICATION (CAO) NO.1121 OF 2016
IN
MISC. CIVIL APPLICATION ST. NO.6528 OF 2016
IN
SECOND APPEAL NO.361 OF 1990 (D)

Sant Sonaji Majaraj & Math, Public Trust, Thr. Managing Trustee, Gangadhar M. Chitnavis
(Dead) Thr. Awantika Gangadharrao Chitnavis, Mahal Nagpur

-vs-

Gayabai wd/o Haribhau Thakare, Mahal, Nagpur.

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

Court's or Judge's Orders.

Shri A. C. Dharmadhikari, Advocate for appellant/applicant.

CORAM : A.S.CHANDURKAR, J.

DATE : December 20, 2017

By this application it is prayed that the delay in filing the restoration application be condoned.

The second appeal came to be dismissed on 17/11/2005 for want of prosecution. In the application it is stated that the appellant which is a Trust was not aware about the fact that notice was issued to it for engagement of another counsel. After getting information about the pending proceedings steps were taken to have the appeal restored.

The record indicates that notice that was issued to the non-applicant was not duly served. Hence by having the notice published in local newspaper, the applicant was permitted to complete the service.

Considering reasons mentioned in the application

and as there is no opposition on the part of the non-applicant, the delay in filing restoration application stands condoned.

Application is allowed and disposed of.

Misc. Civil Application (St.) No.6528 of 2016

The non-applicant though served has not chosen to contest the application. Hence order dated 17/11/2005 is recalled and second appeal is restored to file.

Misc. civil application is disposed of.

Second Appeal No.361 of 1990

Issue notice of hearing of the appeal to the respondent, returnable on **22/01/2018**. In addition to regular mode of service, appellant to serve the respondent by R.P.A.D. The appellant to supply copy of paper-book in the second appeal.

JUDGE