

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

CIVIL APPLICATION (CAO) NO.530/2017

AND

MCA ST.NO.6296/2017

IN

SECOND APPEAL NO.495 OF 2002

Pralhad s/o Babarao Chavan

..vs..

Uttam s/o Chandu Chavan

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

Court's or Judge's Order

.....
Ms Mrunal Shesh, Counsel for the applicant.

CORAM : V.M. DESHPANDE, J.

DATED : NOVEMBER 16, 2017.

1. Heard learned counsel Ms Mrunal Shesh
for the applicant

2. The misc. civil application is for
restoration of the second appeal which was dismissed
for want of prosecution on 13.7.2016. Since there was
a delay of 220 days in filing misc. civil application for
restoration of the second appeal, the civil application
for condonation of delay is filed. The Notices on these
two applications were issued to the non-applicant on
20.4.2017. In spite of service of these applications on
the non-applicant and opportunity was given to

.....2/-

appear before this Court, the non-applicant failed to avail the said opportunity and contest the applications. The second appeal was Admitted since it involves substantial questions of law.

3. According to learned counsel for the applicant, when the appeal was dismissed, she was having personal difficulty. Therefore, she could not remain present before this Court.

4. Both the applications are on affidavits. The statement of facts made on affidavits are not controverted by the non-applicant.

5. In that view of the matter, the application for condonation of delay is allowed. Delay in filing the application for restoration of the second appeal is condoned.

6. The misc. civil application for restoration of the second appeal is also allowed. Order dated 13.7.2016 dismissing the appeal for want of prosecution is recalled and the appeal is restored subject to payment of costs of Rs.1,000/- to be paid to the High Court Bar Association at Nagpur within a period of two weeks from today.

7. Learned counsel Ms Mrunal Shesh for the applicant to produce the copy of receipt showing the payment of costs to the Registry. On such production

of the receipt, the second appeal be restored and placed for its final hearing according to its turn.

8. Accordingly, both the applications are allowed and disposed of.

JUDGE

!! BRW !!