

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

C.A.O. No.1222 of 2017 in MCA St. No.13995 of 2017 in
F.C.A. No.71 of 2016

(Smt. Nita w/o. Gautam Dongare .vs. Gautam Namdeorao Dongare)

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

Court's or Judge's Orders

Ms P.S.Kosare, Advocate for the applicant.

CORAM : SMT VASANTI A NAIK &
M. G. GIRATKAR, JJ.

DATE : 18.9.2017.

The learned Counsel for the applicant fairly states that inadvertently it is stated in the application that this matter was not listed on the Daily Board on 4.4.2017 for hearing and only Family Court Appeal No.56 of 2016 was listed. It is stated that on verifying the cause list, it appears that the said statement is incorrect, but since the client should not suffer for the mistake of the Counsel, the application for restoration of the Family Court Appeal needs to be allowed.

In the circumstances of the case, we allow the application for condonation of delay in filing the restoration application bearing Civil Application No.1222 of 2017. In the circumstances of the case, we also allow the application for restoration bearing Misc. Civil Application St. No.13995 of 2017 only on the condition that the applicant pays a sum of **Rs.500/-** towards costs to the High Court Bar Association within one week.

If the costs are paid and if the Family Court

Appeal is restored, issue notice to the non-applicants for hearing of the Family Court Appeal on merits.

JUDGE

JUDGE

**jaiswal*