

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

MISC. CIVIL APPLICATION NO.157/2017 (Rest.)
IN SECOND APPEAL NO.283/2003

Smt. Saginabi @ Sakinabi w/o Abdul Rahim ..vs.. Smt. Hamidabi wd/o
Sultan & Ors.

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

Court's or Judge's orders.

Mr. A. B. Mirza, Advocate for applicant.

CORAM : V.M. DESHPANDE, J.

DATED : NOVEMBER 24, 2017

Heard Mr. Mirza, learned counsel for the applicant.

The applicant is required to move this application for restoration of the Second Appeal No.283/2003 since the said second appeal was dismissed for want of prosecution on 22.07.2016.

The present application for restoration is filed on 11.06.2016 and it is well within limitation. This application is affirmed by Mr. Anzar B. Mirza, Advocate himself. In paragraph 2 of the application, Mr. Mirza has stated that when the second appeal was called out for final hearing, he was not present. However, during the course of hearing, he submitted that he was busy before the other Court.

The order dated 22.07.2016 shows that when the matter was called out, none appeared for the parties.

In that view of the matter and in view of the fact that the application is affirmed by the learned counsel for the appellant himself, the present application is allowed subject to the payment of costs of Rs.1,000/- to the High Court Bar Association within one week from today. The learned counsel for the applicant to produce a copy of the receipt showing payment of costs on record.

The order dated 22.07.2016 is recalled. Second Appeal No.283/2003 is restored to the file and is kept for final hearing as per its turn.

The application stands disposed of.

JUDGE

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