

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

MISC. CIVIL APPLICATION NO.1271/2017
IN
SECOND APPEAL NO.374/2016 (DISMISSED IN DEFAULT ON 21.7.2017)

Bhaskar s/o Ramaji Thakare
..VS..
Kasubai wd/o Ramkrishnaji Hulke, thr. LRs and ors

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

Court's or Judge's Order

Shri V.V. Deo, Counsel for the applicant/appellant.

CORAM : V.M. DESHPANDE, J.
DATED : NOVEMBER 16, 2017.

1. Heard learned counsel Shri V.V. Deo for the applicant/appellant.
2. This is an application for restoration of the second appeal which was dismissed in default on 21.7.2017. The application is affirmed by learned counsel Shri Vinay Deo.
3. As per the statement of facts made in the application, learned counsel Shri V.V. Deo had been to the United States of America and before he proceeding to the United States of America he filed Leave Note with the Registry for his absence from 17.3.2017 to 31.7.2017 which was duly sanctioned.
4. When the second appeal was dismissed in default, no notices were issued to the non-applicants/respondents.
5. Leave Note of learned counsel Shri V.V. Deo was from 17.3.2017 to 31.7.2017 and second appeal was dismissed in

default on 21.7.2017. It was impossible for learned counsel for the applicant/appellant to attend the matter on the said date since he was in the United States of America.

6. In that view of the matter, the present application is allowed. The second appeal is restored to file and it be put up for admission after three weeks.

7. The civil application is disposed of.

JUDGE

!! BRW !!

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