

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CIVIL APPLICATION NO.1321/2017
IN
MISC. CIVIL APPLICATION (ST.) NO.19615/2017
IN

SECOND APPEAL NO. 344/2010 (D)

Tikaram Pandurang Pansare

v.

Arun Khushalrao Zadel

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

Court's or Judge's orders.

Shri M.M.Kalar, the learned counsel for the appellant
Shri Naresh M.Jibhkate, the learned counsel for respondent

CORAM : V.M. DESHPANDE, J.

DATED : NOVEMBER 10, 2017

1] Both these applications are taken for hearing today simultaneously.

2] Civil Application No. 1321/2017 is for condonation of delay in moving the application for restoration of Second Appeal No. 344/2010. The delay is of 483 days. The second appeal No. 344/2010 was dismissed on 22/7/2016 since nobody was appearing on behalf of the appellant. The appeal was already admitted and was pending for its final hearing. Though the application is opposed by Shri Jibhkate by filing the reply, I am of the view that for the mistake on the part of advocate, the litigant should not suffer. Therefore, I condoned the

delay in moving an application for restoration and also MCA No. 19615/2017 for restoration. Consequently, I pass the following order.

Order

1] Civil Application No. 1321/2017 is allowed. The delay is condoned.

2] Misc. Civil Application (St.) No. 19615/2017 is also allowed. The Second Appeal No. 344/2010 which was dismissed for want of prosecution on 22/7/2016 is hereby restored.

3] Put up the main second appeal for its final hearing according to its turn.

4] Both these applications are allowed subject to the costs of Rs. 500/- to be deposited with the High Court Bar Association within a period of one week. The receipt paying the costs to the High Court Bar Association should be placed on record then only these applications will be deemed to be allowed.

JUDGE

RSG