

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

C.A.O. No. 1833/2016 IN M.C.A. ST. No. 20440/2016 IN F.A. ST. No. 10735/2016

CHANDRABHAN GOVINDRAO DHAGE AND ANOTHER -vs- STATE OF MAHA. THROUGH
COLLECTOR, YAVATMAL AND OTHERS.

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

Court's or Judge's Orders.

Shri R.D. Hajare, counsel for applicants.

CORAM: DR. SMT. SHALINI PHANSALKAR-JOSHI, J.
DATE : JULY 04, 2017.

This is an application for condonation of delay in filing the application for restoration of the appeal, which came to be dismissed for default on account of non-removal of office objection.

It is submitted by learned counsel for applicants that his brief was misplaced, and therefore, matter remained unattended.

Needless to state that, litigant should not suffer because of the fault committed by his counsel, and therefore, for the reasons stated in para no.5 of the application, application is allowed and the delay in filing the application for restoration of appeal is condoned.

Application is disposed of accordingly.

M.C.A. ST. No. 20440/2016

Heard learned counsel for applicants, who has submitted that as his brief was misplaced, he could

not attend the matter, and therefore, office objection was not removed, and as a result, appeal came to be dismissed for default.

Hence, considering the reasons given in para no.6 of the application, application is allowed and the appeal is restored to its original file.

F.A. ST. No. 10735/2016

Appellant to remove office objection within 8 days.

JUDGE

Yenurkar