

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

CIVIL APPLICATION NO.11622 OF 2018 IN
REJECTED CASE NO.1003 OF 2017 IN
SECOND APPEAL ST. NO.30063 OF 2016

Vishnu s/o Tukaram Thorat & anr. ...APPLICANTS

VERSUS

Manohar s/o Tukaram Thorat & ors. ...RESPONDENTS

.....
Shri Amol Joshi, Advocate holding for
Shri R.S. Deshmukh, Advocate for applicants
Shri R.B. Dhakane, Advocate for respondent No.1
.....

CORAM: A.M. DHAVALA, J.

DATED : 30th November, 2018.

ORAL ORDER :

1. This is application for condonation of delay and for restoration of Second Appeal, dismissed on 26.7.2017 for non-compliance of office objections. The Second Appeal Stamp No.30063/2016 was filed on 26/9/2016. The office objections regarding supply of copies were not complied. Therefore, the appeal came to be dismissed on 26.7.2017. Thereafter, the learned Advocate did not take immediate steps for restoration and there is delay of more than one 1 year and 2 months. The application is filed on 3.9.2018.

2. Normally, when the party engages Advocate, it relies

completely on the Advocate for taking steps in the matter. There is no default on the part of the appellants. However, there is negligence on the part of learned Advocate for the appellants. The appellants are residents of Georai, District Beed.

3. Considering the facts, the delay is condoned and appeal is restored, subject to costs of Rs.5000/- (Rupees five thousand) payable to High Court Legal Services Sub-Committee, Aurangabad within three weeks.

(A.M. DHAVALÉ)
JUDGE

fmp/