

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.76 OF 2018
IN
SECOND APPEAL NO.1184 OF 2004

Murlidhar Balu Ronge & Ors. ... Applicants

Vs.

Dagdu Ramchandra Naikude & Ors. ... Respondents

Mr.Raja S. Ghadge with Shantanu Raktate i/b A.S. Desai for the
Applicants

Mr.Diinesh W. Bhosale for Respondents

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MAY 2, 2018**

P.C.:

1. This application is moved for restoration of the Second Appeal No.1184 of 2004 which was dismissed for non-compliance of the conditional order dated 5.4.2017 passed by the Registrar (Judicial II).
2. The learned Counsel for the applicants submits that there is also a delay of 253 days in filing this application, which may be condoned. He submits that the delay was not intentional or deliberate but due to oversight that the conditional order went

unnoticed. He further submits that in fact the copies were served on the Counsel for the other side when the matter was called out on 5.4.2017 and the conditional order was passed.

3. The learned Counsel for the respondents submits to the orders of the Court.

4. In view of the submissions and as the Second Appeal was already admitted on 28.6.2005, the order dated 5.4.2017 passed by the Registrar (Judicial) is set aside. The delay of 253 days in filing the Civil Application is condoned. Second Appeal is hereby restored to its original file alongwith all the interim orders therein, if any.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)