

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1314 OF 2017
IN
FIRST APPEAL NO. 959 OF 1997**

Arjun Waman Padale ... Appellant/Applicant
V/s.
Maharashtra Housing And Area
Development Authority & Ors. ... Respondents

Mr. Kishor S. Patil, Mr. P.P. Kulkarni i/b Mr. Amol P. Mhatre for the
Appellant/Applicant.

Ms. Geeta Mulekar for Respondent No.1.

Mr. Shaishav Sovla I/b Mr. Bharat Joshi for Respondent No.4.

CORAM : K.K. SONAWANE, J.

DATE : 9th AUGUST, 2018.

P.C. :

1 Heard the learned Counsel for the Applicant and learned counsel
for Respondent Nos.1 and 4. No one else appeared for Respondent No.2.
The present application is filed for seeking restoration of the proceeding of
First Appeal No.959 of 1997 accompanied with the respective Civil
Applications which came to be dismissed for default by this Court (Coram :
Smt. R.P. SondurBaldota, J.) on 05.05.2016.

2 In view of reasons mentioned in the application and nature of the subject matter, there is no impediment to afford a reasonable opportunity to the applicant for substantial justice into the matter on merit. It would unjust and improper to preclude the applicant to approach to the appellant forum on the ground of default on their part. Therefore, application deserves to be allowed.

3 Accordingly, the application stands allowed. The impugned order passed by this Court (Coram : Smt. R.P. SondurBaldota, J.) dated 05.05.2016 is hereby recalled. The delay for filing the present application also stands condoned. The proceeding of First Appeal No.959 of 1997 along with respective Civil Applications be restored at its original stage.

4 The Registry to take requisite step for further process. Accordingly, the Civil Application stands disposed of in above terms.

(K.K. SONAWANE, J.)

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Sushil
Waghmare

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