

VRD

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

CIVIL APPLICATION NO.1345 OF 2017
IN
SECOND APPEAL NO.86 OF 2004

Pandurang Bhagwan Lavate, since deceased
through LRs

... Applicants

v/s

Sou Kamal Pnadhare and anr.

... Respondents

Mr Sagar Kursija i/b Mr T.D. Deshmukh for the Applicants.
Mr Gita Perti i/b M/s Ashok B. Tajane for the Respondent No.1.

CORAM : N.M. Jamdar, J.

DATE : 25 January, 2018.

P.C. :-

This Civil Application is filed for restoration of the Second appeal which was dismissed for non-removal of office objections. The reason given in the Application is that there was communication gap between the Applicants and the lawyer and the Applicants became aware of the dismissal of the Appeal when it was put to execution. From the averments, it is clear that the fault at the end of the Advocate for not removing office objections. A reply affidavit has been filed. I have perused the affidavit in reply.

Considering the totality of circumstances, I am of the opinion that the Application deserves to be allowed, however, subject to payment of costs. Civil Application is accordingly allowed subject to the Applicants paying cost of Rs.10,000/- in the Registry of this Court within three weeks from today which the Respondent will be entitled to withdraw. Civil Application is disposed off.

(N.M. Jamdar, J.)