

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

***CIVIL APPLICATION NO. 1543 OF 2007
IN
SECOND APPEAL NO. 627 OF 1995***

Madhukar Shankar Sadhale ... Applicant/Appellant

V/s.

Sitaram Govind Lad (since deceased
through legal heirs) & Ors. Respondents

Mr. Sandeep Deshpande for the applicant.
None for the respondents.

CORAM : N.M. Jamdar, J.

DATE : 01 February, 2018.

P.C. :-

It appears that the appeal was dismissed for default since the advocate for applicant/appellant did not remain present. Heard the learned counsel for the applicant/appellant. Learned counsel for the applicant/appellant has tendered an unconditional apology for not remaining present when the second appeal was called out for hearing.

2. Considering the fact that the order dated 07 April, 2006 dismissing the appeal is not on merits but only because of the absence of advocate and this Court has ample powers to recall the

order, considering these facts and circumstances, the civil application is allowed. Second Appeal is restored to file. Place the second appeal on board for final hearing, as it is, in the week commencing from 26 February, 2018.

(N.M. Jamdar, J.)