

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO.779 OF 2018 (REST)

IN

CIVIL APPLICATION (CAO) NO. 19 OF 2018

IN

MISC. CIVIL APPLICATION ST. NO.25077 OF 2017

IN

CIVIL APPLICATION (CAA) NO. 19 OF 2015

IN

APPEAL AGAINST ORDER ST. NO.21165 OF 2014.

(KAWDU GHULBA PATIL...VS.. SMT. SONABAI PANDURANG MEHARKURE & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.S.Meshram, Advocate for Applicant.

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 11, 2018.

Heard.

By this application the applicant prays that the order passed by this Court on 9th April, 2018 be recalled. By the order dated 9th April, 2018, Civil Application No.19 of 2018 praying that delay of 33 days in filing Misc. Civil Application for restoration of the appeal against order be condoned. The contention on behalf of the applicant is that the matter could not be attended by the advocate for the applicant/appellant on 9th April, 2018 as he was sick and had not received the message that the matter was listed on 9th April, 2018.

In the order dated 9th April, 2018 the callousness and negligence on the part of the applicant/appellant in attending/prosecuting the matter is reflected. The facts on

record show that inspite of sufficient opportunities the applicant had not led evidence in the civil suit and when her application seeking permission to lead evidence was dismissed on 30th November, 2010 no steps were taken to challenge it for almost 1400 days. In the order dated 9th April, 2018 it is recorded that the copies of Civil Application No. 19 of 2015 were not supplied because of which notice could not be issued to the other side and the defaults continued in spite of grant of several opportunities and ultimately the learned Registrar (Judicial) passed order on 5th October, 2017 and dismissed the matter in default.

I find that all the relevant aspects are properly considered and it cannot be said that there is any error apparent on the face of the record which necessitates review of the order dated 9th April, 2018.

The civil application is **dismissed**. No costs.

JUDGE

RRaut..