

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION NO.72/2018 IN F. A. NO.27/2010

Ku. Komal s/o Nandlal Tondwal ..vs.. The United India Insurance Co. Ltd.
Thr. Its Divisional Manager, Akola and anr.

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

Court's or Judge's orders.

Mr. R. G. Nitnaware, Advocate for applicant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 6, 2018

Heard Mr. R. G. Nitnaware, learned counsel for the applicant. This is an application for restoration of First Appeal No.27/2010. The first appeal was dismissed for want of prosecution on 28.08.2017 when nobody appeared before this Court when the appeal was called out. By the present application for restoration of the first appeal, it is submitted that on the day when the appeal was dismissed, counsel for the applicant Mr. O. Y. Kashid was suffering from Dengue and, in fact, he was also admitted in the hospital.

On 18.06.2018, this Court had issued notice on this application for restoration. Office note shows that the non applicant nos. 1 and 2 in this application are duly served. In spite of service of notice, nobody is appearing on their behalf.

The application is affirmed by Mr. O. Y. Kashid, Advocate who used to appear on behalf of the applicant and also at the time of dismissal of the appeal in default. After hearing learned counsel for the applicant and after having gone through the application, which is affirmed by the Advocate himself, I am

satisfied that a case is made out for restoration of the first appeal. Consequently, the present application is allowed. First Appeal No.27/2010 is hereby restored to file. Put up for final hearing as per it seniority.

The application is disposed of.

JUDGE

kahale