

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 1280 OF 2019
IN SECOND APPEAL NO. 338 OF 2018**

Kachru Radhuba Jadhav

...Applicant

Versus

Sugrabi Yasinkhan

...Respondent

.....

Mr. Sudhir Telgote, Advocate H/F A. R. Devakate, Advocate
for Applicant.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 23-01-2019.

ORAL ORDER :

01. The present application has been filed for condoning the delay of 92 days in filing application for restoration of the dismissal of the appeal and also to set aside the said order. It is to be noted that by order dated 7.9.2019, the applicant was directed to supply the spare copies to serve the unserved respondents within a period of two weeks and a conditional order was passed that in case of failure, the matter would stand dismissed as against unserved respondents without further reference to the Court. It is stated that the applicants could not comply with the order due to inadvertence of the Advocate.

Now, the applicant is ready to supply the spare copy.

02. Notice was not served to the unserved respondents. Under such circumstance, it is not necessary to issue notice. As regards delay is concerned, it is stated that the applicant is a rustic villager and had no knowledge about the conditional order.

03. When specific order was given and the applicant was asked through Advocate to comply with the directions and the Advocate has failed to do his job, the client should not suffer. Under such circumstance, the case is made out to condone the delay. The order of dismissal of appeal of Second Appeal No. 338 of 2018 passed on 7.9.2018 is hereby re-called. The said appeal is restored to the file. Applicant to supply the copy for serving unserved respondents within two weeks from today. If the copies are supplied within the stipulated period, notices be issued to those respondents returnable on 6.3.2019. Civil Application is disposed of.

[SMT. VIBHA KANKANWADI]

JUDGE

Dahibhate/-