

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

**915 CIVIL APPLICATION NO.5056 OF 2017
IN CRA/137/2012**

VINOD TUKARAM DHAWAN

.. Applicant

VERSUS

BISMILLABEE AJAM MULLANI

..Respondent

...

Advocate for Applicant : Shri B.N. Patil

Respondent - Served

...

CORAM : P.R. BORA, J.

Dated: July 09, 2019

PER COURT :-

1. The present application is filed seeking restoration of Civil Revision Application No.137 of 2012, which has been dismissed by this Court vide order dated 06.08.2012. On 06.08.2012 the following order was passed by this Court :

“1. When the matter was called out, none appeared for the petitioner.

2. As and by way of last opportunity, further two weeks time is granted to the petitioner to take steps to serve the unserved respondent (sole).

3. If no steps are taken within two weeks, Civil Revision application shall automatically stand dismissed, qua the sole respondent, without back reference to this Court.

4. S.O. 21.08.2012.”

2. It is the contention of the petitioner – applicant that, inadvertently, the aforesaid order could not be noticed and hence could not be complied within the stipulated period. It is the further

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contention that, the applicant was out of his village due to drought condition and, therefore, he was not in contact with his advocate. It is the further contention that, after having come to know about the order, the necessary steps are taken by the petitioner – applicant. The notice of the present application has been served upon the sole respondent through the paper publication, the respondent, however, has not caused the appearance in the matter.

3. Having regard to the reasons as are assigned in the application, no malafides can be attributed on part of the applicant. In the circumstances, I am inclined to allow the present application. Hence, the following order.

ORDER

(i) The application is allowed. Civil Revision Application No.137 of 2012 stands restored to its original file. The delay caused in filing the application is condoned.

(ii) After restoration of the Civil Revision Application, issue notice to the respondent on the address given in para-4 of the present application returnable after four weeks.

(**P.R. BORA, J.**)