

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

Civil Application No. 02491 of 2018
(In Civil Application No. 07039 of 2013
With
Civil Application No. 07040 of 2013)
(In First Appeal Stamp No. 11637 of 2013)

District : Aurangabad

The Manager and M.D.
M/s. Grainotech Pvt. Ltd.,
Gut No.238/239, Bhendala,
Aurangabad to Nagar Highway, .. Applicant
Near Hotel Surabhi, (Original
Taluka Gangapur, respondent)
Dist. Aurangabad.

versus

Sachin s/o. Prakash Raut,
Age : 28 years,
Occupation : Nil,
R/o. Pravarasangam, .. Respondent
Taluka Newasa, (Original
Dist. Ahmednagar. applicant)

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*Mr. Laxman M. Kulkarni, Advocate, for the
applicant.*

Mr. Atul R. Kale, Advocate, for the respondent.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 24TH JULY 2019

ORAL ORDER :

01. Present application has been filed by the

original respondent for restoration of Civil Application No. 7039 of 2013 and Civil Application No. 7040 of 2013 in First Appeal Stamp No. 11637/2013, which came to be dismissed in default on 22nd November 2017. It has been contended that the learned Advocate for the applicant could not remain present as he had gone to Hyderabad for attending wedding ceremony of his close relative.

02. Though it appears that the learned Advocate for the applicant - original respondent had not made arrangements to mention the matter, yet, liberal approach is required to be taken. So also, learned Advocate for the respondent is strongly objecting, yet, for the aforesaid reasons, that due to the absence of the Advocate, the applicant should not suffer, present civil application is **allowed**. The order passed by this Court, dismissing above said applications in default, on 22nd November 2017, is hereby set aside. Those civil applications are restored to its original position.

(**Smt. Vibha Kankanwadi**)
JUDGE

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