

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO.272 OF 2019****IN****CIVIL REVISION APPLICATION NO.497 OF 2007**

Shrikrishna Vasant Kadam

... Applicant

Vs.

Ramdas Khandu Chavan

...Respondent

.....

Ms. Hemangi Pathare, for the Applicant.

Mr. Rajdeep D. Gude, i/b. Khandeparkar & Associates, for the Respondent.

....

**CORAM : S.C. GUPTE, J.****DATED : 26 AUGUST 2019****P.C. :**

. This civil application is for recall of an order of dismissal passed by reason of default in appearance. There is a delay of thirteen days in filing the present civil application.

2. For the reasons stated, the delay is condoned. The Applicant's explanation for not appearing on the day, when the civil revision application was dismissed is that the Advocate on record, appearing for the Applicant, did not notice that the matter was listed on board on that day for directions/hearing. It is noticed from the record of the case that the Applicant was absent on two consequent occasions, i.e. on 22 November 2018 and 17 December 2018. Considering, however,

that the CRA pertains to residential premises occupied by the Applicant, in the interest of justice, the order of dismissal is recalled and set aside and the CRA is restored to file. The Applicant, however, shall pay costs of this application of Rs.15,000/- to the Respondent. Costs to be paid within three weeks. Costs to be condition precedent. The CRA to come up on board for hearing on its due date.

3. The civil application is disposed of accordingly.

Smita  
Gonsalves

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Date: 2019.08.29  
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( S.C. GUPTE, J. )