

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2598 OF 2019
IN
FIRST APPEAL NO. 811 OF 1993

Rameshwar N. Dahate Applicant.
Vs.
Ravindra Vasant Kambli and Anr. Respondents.

Mr. Devendra Sharma, Advocate for Applicant.
None for Respondents.

CORAM : K.K.TATED, J.
DATED : AUGUST 8, 2019.

P.C.

Heard learned counsel for Applicant.

2. Advocate for Applicant submits that he has already served both the respondents by private notice. He undertakes to file affidavit of service within two weeks from today.

3. By this Civil Application, Applicant is seeking restoration of First Appeal No. 811 of 1993 which was dismissed for non-prosecution by order dated 06.06.2019.

4. The learned counsel for Applicant submits that on 06.06.2019, Advocate for Applicant was in part-heard matter in Dindoshi Court, hence it remained on their part to appear in the matter when called out. He submits that in the interest of justice, this Hon'ble Court be pleased to restore the First Appeal and same to be heard on its own merits. He submits that they have good chance of success in the present matter.

5. Considering the submissions made by learned counsel for Applicant and averments made in Civil Application. I satisfied that Applicant has made out case for allowing application. Hence following order.

- a) Order dated 06.06.2019 passed by this Court is recalled.
- b) First Appeal No. 811 of 1993 is restored on file for hearing on its own merits.
- c) Interim relief if any granted earlier to continue the same.
- d) Civil Application stands disposed off accordingly.

(K.K.TATED, J.)