

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO.4268 OF 2018
IN
FIRST APPEAL NO. 305 OF 2016

Shri Vijaysingh M. Patwardhan .. Applicant.
v/s.
Shri Kishor P. Patwardhan
& Others .. Respondents.

Mr. Umesh R. Mankapure, for the Applicant.
Mr. G. S. Godbole with Mr. S.S. Diwan i/b. Mr. Akshay P. Shinde, for
Respondent Nos. 1 to 5.

**CORAM: A.S.OKA &
M.S.SANKLECHA, JJ.**
DATE : 18th MARCH, 2019.

P.C:-

Heard the learned Counsel for the Applicant. The learned Counsel for the Respondents contends that some of the reasons set out in the application are totally incorrect. Substantive first appeal preferred by the Applicant has been dismissed as his Advocate could not remain present. However, we are restoring the application only on the ground that, on the date on which the Appeal was dismissed for non-prosecution, the Advocate for the Applicant was absent.

2 Accordingly, we pass the following order:-

(i) Application is allowed in terms of prayer clauses (a) and (b).

- (ii) Place the **First Appeal** under the caption 'for fresh admission' on **3rd April, 2019**.
- (iii) **Civil Application disposed of.**

(M.S.SANKLECHA,J.)

(A.S.OKA,J.)