

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO. 128/2019 WITH
MISC. CIVIL APPLICATION ST. NO.543/2019 IN
SECOND APPEAL NO.293/2013

Sakharam Subhanrao Shinde and Ors. .vs. Sunil Digambar Shinde

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. G. M. Kubade, Advocate for applicants.

CORAM : V. M. DESHPANDE, J.

DATED : JULY 15, 2019

These two applications are for condonation of delay and for restoration of Second Appeal No.293/2013 respectively.

Notices on both these applications were issued on 18.01.2019. Office note shows that all these notices are served on the non applicant.

The second appeal was admitted by this Court. However, on 26.03.2015, a conditional order was passed that if the paper book is not filed within eight weeks, the appeal shall stand dismissed, without further reference to the Court.

The paper book could not be filed within the stipulated period. Consequently, the appeal was marked as dismissed.

Heard Mr. Kubade, learned counsel for the applicant. Though, the non applicant is served on both these applications, nobody is putting in appearance on his behalf.

The statement of facts made on affidavit are uncontroverted.

For the reasons stated in the applications, both the applications are allowed. The delay in moving the application for restoration is condoned. Second Appeal No. 293/2013 stands restored to the file.

Both the applications stand disposed of.

Second Appeal No.293/2019.

Issue fresh notice on merit of the second appeal to the sole respondent, returnable on 26.08.2019. In the meanwhile, paper book be filed.

JUDGE