

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

MISC. CIVIL APPLICATION NO.167/2019 (RESTORATION) IN
SECOND APPEAL NO.298/2001

Ravindra Vishwanath Lande .vs. Dnyandeo s/o Pandhari Dabhade

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

Court's or Judge's orders.

Mr. M. G. Sarda, Advocate for applicant.

CORAM : V. M. DESHPANDE, J.
DATED : JUNE 13, 2019

This is an application for restoration of the second appeal.

Heard Mr. Sarda, learned counsel for applicant.

Notice on this application was issued on 15.02.2019. In spite of service to the non applicant on this application, the non applicant chose not to remain present.

The second appeal was of the year 2001 and it was fixed for final hearing. As per the averments made on affidavit of the learned counsel himself, the appeal was listed on 04.12.2018 and 05.12.2018 and the matter remained part heard. However on 20.12.2018, the learned counsel could not remain present since his father was required to undergo medical procedure. Accordingly, he intimated the same to Mr. R. P. Masurkar, Advocate. However, order dated 20.12.2018 shows that it was not informed to the Court by Mr.Masurkar about said difficulty. Consequently, this Court (Coram: Rohit B. Deo, J.) dismissed the appeal for want of prosecution with a direction that unless Rs.3,000/- is

paid to the High Court Legal Services Sub Committee, Nagpur, the application for restoration should not be entertained by the Registry.

The amount of Rs.3,000/- is already deposited.

Since, on 20.12.2018, father of the arguing counsel Mr. M. G. Sarda was required to undergo medical procedure and his request for adjournment, it appears that, could not be communicated to the Court, I recall the order dated 20.12.2018. Second Appeal No. 298/2001 is restored to the file.

The application is disposed of.

JUDGE

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