

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CAO NO. 1795/2018
IN
MISC. CIVIL APPLICATION NO. 10640/2018

Ashabai E. Garmode

..VS..

Arun V. Gotmare

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : 11/06/2019

None appears for the applicant when the matter is called out.

Consistently, the applicant has been negligent in prosecuting the matter. The applicant has filed M.C.A. (St.) No. 10640/2018 praying that M.C.A. (St.) No. 19910/2016 be restored. There is delay of 429 days in filing M.C.A. (St.) No. 10640/2018, therefore, this application is filed praying that the delay be condoned.

The second appeal is decided by the judgment dated 09/06/2016. M.C.A. (St.) No. 19910/2016 praying for review of the judgment was filed by the applicant on 23/09/2016. The applicant failed to pursue the review application diligently, and therefore it came to be dismissed in default by the learned Registrar (J.). M.C.A. (St.) No. 10640/2018 praying for restoration of the review application is filed on 05/05/2018 and as there is delay of 429 days in filing the restoration application, this civil application is filed. This C.A. is also not prosecuted diligently.

In view of the conduct of the applicant, I am not inclined to accept the explanation given in the application. The applicant has not been able to satisfy that she was prevented by sufficient cause and she could not file M.C.A. (St.) No. 10640/2018 within time.

The civil application is **dismissed**. Consequently, M.C.A. (St.) No. 10640/2018 is rejected.

The applicant shall deposit Rs. 2,000/- with the High Court Legal Services Sub-Committee, Nagpur for filing the applications and not prosecuting the same diligently. The receipt showing the deposit of the amount shall be filed on record within four weeks.

JUDGE

Ansari