

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.O. NO. 1279/2019 IN MCA ST. NO.12584/2019 IN FIRST APPEAL NO.698/2018 (D)
(BORDER ROAD ORGANIZATION RLC PUNE VERSUS REKHA SURESH THAKARE & OTHERS)

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

Court's or Judge's orders

Shri U.M. Aurangabadkar, counsel for applicant.
Shri R.L. Alone, counsel for NA-1 to 3.

CORAM : A.S. CHANDURKAR, J.

DATE : AUGUST 13, 2019.

Notice on the application is made returnable forthwith.
Learned counsel Shri R.L. Alone waives notice for the non-applicants.

Prayer is to condone the delay in seeking restoration of the appeal which was dismissed for want of prosecution.

In the application, it was stated that on account of the absence of the applicant's counsel the appeal came to be dismissed. The absence of the counsel is not deliberate and hence it is prayed that the delay be condoned.

The prayer is opposed by the learned counsel for the non-applicants on the ground that the applicant was not diligent in prosecuting the appeal. The amount of compensation has also not been deposited by the applicant. Hence, there is no reason to condone the delay.

Considering the fact that the appeal has been dismissed for want of applicant's counsel, the applicant cannot be made to suffer. Hence, accepting the reasons mentioned, the delay in filing the restoration application is condoned. The civil application is allowed and disposed of.

M.C.A. ST. NO. 12584/2019.

Notice on the application is made returnable forthwith. Learned counsel Shri R.L. Alone waives notice for the non-applicants.

For the reasons stated in the miscellaneous civil application, the prayer made therein is granted. The first appeal is restored to file.

The miscellaneous civil application is allowed and disposed of.

FIRST APPEAL NO.698/2008.

Learned counsel Shri R.L. Alone waives notice on behalf of the non-applicants.

Put up for hearing in the week commencing 9th of September, 2019.

JUDGE

APTE