

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

C.A.O. No.1370 of 2019
in
M.C.A. (St) No. 13860/2019
in
First Appeal No.631 of 2016 (D)
(Gajanan s/o Dhonduji Jamode .vs. Rajesh Sonaji Tayde and another)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr. J.B. Gandhi, Advocate for Applicant/Appellant.

CORAM : Manish Pitale, J.
DATED : September 27, 2019.

These applications are filed on behalf of the applicant seeking restoration of the appeal and for condonation of delay of 127 days in moving the application for restoration.

2. The appeal stood dismissed in default for the reason that the applicant failed to serve the notice on the respondent nos. 1 and 2 issued in the first appeal. A conditional order was passed by this Court that if the appeal was not restored as against the unserved respondent nos. 1 and 2, the appeal itself would stand dismissed.

3. It is further pointed out by the learned counsel for the applicant/appellant that in these applications for condonation of delay and for restoration of the appeal, the respondent nos. 1 and 2 have been indeed served.

Therefore, this Court deems it fit to allow the present applications so that an opportunity is granted to the applicant/appellant to contest this appeal on merits.

4. Accordingly, the applications are allowed, delay is condoned and the appeal is restored.

5. Liberty to the applicant/appellant to take appropriate steps for restoration of the appeal as against respondent nos. 1 and 2.

JUDGE

halwai