

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

CIVIL APPLICATION (O) No.1850 OF 2019

IN

M.C.A.(St.)No.15124 OF 2019

IN

SECOND APPEAL No.170 OF 2018

Anandrao Wasudeo Dumbare (dead) through LR's
Deepak s/o Anandrao Dumbare and others

vs.

Sau.Vaishali Jaikrishna Kharwade

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

Court's or Judge's

Shri. M. K. Kulkarni, counsel for applicants.

CORAM : Manish Pitale J

DATED : 03.10.2019

This is an application for restoration in
Second Appeal and for condonation of delay in
moving the said application for restoration.

2. The appeal in the present case stood dismissed by order dated 30.04.2019, in view of the earlier order dated 23.04.2019, whereby the appellants were required to supply copy of the appeal memo to the learned counsel appearing for the respondent on caveat. As the copy was not supplied, the second appeal stood dismissed by order dated 30.04.2019.

3. In these applications it is pointed out that the learned counsel appearing for the appellant was not able to appear before this Court on both the dates i.e. on 23.04.2019 and 30.04.2019 on account of fact that he was suffering from spinal injury.

4. Hence, for the reasons stated in the applications, the same are allowed and consequently, delay is condoned and appeal is restored.

5. Applications are disposed of.

6. The office is directed to list appeal for hearing on 18.10.2019.

JUDGE

KOLHE