

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

M.C.A. (RESTORATION) NO.580/2019 IN S.A.NO.346/1995

Gajanan Mahadeo Chaudhari (Dead) thr. LRs. & Ors. .vs. Kusumbai w/o
Punjaramji Shende (Dead) thr. LRs. Uma Punjaram Shinde (Shende)

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

Court's or Judge's orders.

Mr. S. R. Deshpande, Advocate for applicants.

CORAM : V. M. DESHPANDE, J.

DATED : JUNE 10, 2019

Heard Mr.Deshpande, learned counsel for applicants.

This is an application for restoration of Second Appeal No.346/1995. On 06.12.2018, neither the appellants nor the respondent nor their counsel were present before the Court. Further, it appears that the appellants could not pay costs of Rs. 501/- and hence this Court (Coram: Rohit B. Deo, J.) has dismissed the appeal for want of prosecution.

Since, the appeal was dismissed for non payment of costs, in my view, the application needs to be allowed. Accordingly, the application is allowed. Second Appeal No. 346/1995 is restored to file.

Issue fresh notice on merits of second appeal, to respondent. Appellants to take necessary steps for service of notice on respondent within six weeks from today.

The application is disposed of.

Learned counsel for appellants submits that, in the meanwhile, he shall file the paper book.

The statement is accepted.

JUDGE