

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1 OF 2020
IN
APPEAL FROM ORDER NO. 1302 OF 2012

Kansraj Kalicharan Yadav ... Applicant.

V/s

Baba Rampratap Yadav and Anr. ... Respondents.

Mr. A. Kumar i/b Mr. M. R. Yadav for the Applicant.

CORAM : A. S. GADKARI, J.

DATE : 4th MARCH, 2020

P.C. :

1] This is an application for restoration of Appeal from Order No.1302 of 2012, which was dismissed for non prosecution by order dated 13th February 2020.

2] On the date of dismissal of Appeal, learned counsel for the respondent No.2 was present.

3] Learned counsel appearing for the Applicant/Appellant submitted that, he has already served notice of the present Application upon the respondent No.2. Photocopy of the acknowledgment of service upon respondent No.2 is produced on record. Despite service, none appears for the respondent No.2.

4] The present application is filed within the period of limitation.

Perusal of the application would indicate that, sufficient cause is made out for restoration of the Appeal.

5] In view thereof, Application is allowed in terms of prayer clause (a).

(A. S. GADKARI, J.)