

nsc.

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.2115 OF 2020

Suraj Ashok Waghela	... Petitioner
Versus	
Tara Ramesh Waghela	...Respondent

Mr. M. A. Patil, for the Petitioner.

CORAM : REVATI MOHITE DERE, J.

DATE : 3rd MARCH, 2020

P.C. :

1. Heard learned counsel for the parties.
2. By this Petition, the Petitioner has impugned the order dated 6th July, 2019, passed by the learned Civil Judge, Junior Division, Kagal, in Civil Miscellaneous Application No.20 of 2017, by which, the learned Judge was pleased to restore Regular Civil Suit No.274 of 2012, which was dismissed for default on 11th April, 2014.
3. Perused the papers. It appears that the suit was dismissed for default on 11th April, 2014, pursuant to which, the respondent – plaintiff filed an application on 9th July, 2014 for quashing the said order and for restoration of the suit. It was mentioned in the application that she was

suffering from respiratory disease and was admitted in the hospital and during the period when she was in the hospital, the suit was dismissed. According to the respondent, on making enquiry with her advocate on 17th June, 2014, she learnt of the dismissal of the suit, pursuant to which, she immediately filed an application and sought restoration of the suit. The learned trial Court for the reasons set out in the application, rightly allowed the Civil Miscellaneous Application No.20 of 2017 and restored the suit back to its original file.

4. No interference is warranted in the impugned order.
5. The petition being devoid of merit stands dismissed.

REVATI MOHITE DERE, J.