

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

CIVIL APPLICATION (CAO) NO. 1297/2018 IN
MISC. CIVIL APPLICATION (ST.) 9047/2018 (RESTORATION) IN
SECOND APPEAL NO. 217/2011

Shri Wamanrao Rajaram Gabhane V/s Shri Shankar s/o Tulsiram Khokale
(dismissed) Tulshiram Rajaramji Gabhane and others.

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

Court's or Judge's orders.

Shri U.K. Bisen, counsel for applicant.

CORAM: ANIL S. KILOR, J.
DATE: 25/02/2020.

This Court, on 03.06.2019 issued notices to the non-applicants. The office note shows that the respondent Nos. 2(i), 2(ii), 2(v), 2(viii) are served, whereas against the respondent Nos.1, 2(iv), (vi) and (vii) the appeal was dismissed. The respondent No. 2 is dead and against respondent No. 2(iii) appeal is abated.

2. Shri U.K. Bisen, learned counsel for the applicant submits that the appeal was dismissed for non-compliance of order of filing of private paper book within stipulated period. He points out that there is a delay of 1551 days in filing the application for restoration. He submits that delay is bonafide and not intentional and therefore, he prays for condonation of delay caused in filing the application for restoration.

3. None for the respondent Nos. 2(i) to 2(ii), 2(v) to 2 (viii) though served.

4. In view of the reasons stated in the application, the application is allowed. Delay caused in filing application for restoration is condoned.

Misc. Civil Application Stamp No. 9047/2018 (Restoration)

For the reasons stated in the application, the appeal is restored.

2. The office is directed to restore the appeal to its original number. The appellant shall file private paper book within a period of two weeks', failing which the appeal shall stand dismissed.

3. The office is directed to place the matter for final hearing in regular course after filing of private paper-book.

4. Civil application is accordingly disposed of.

JUDGE