

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

**MISCELLANEOUS CIVIL APPLICATION (MCA) NO. 55 OF 2020**  
**IN**  
**SECOND APPEAL NO. 111 OF 2011**

(Shri Vitthal Rukhmini Deosthan & others Vs. Smt. Shantabai Wd/o Suryabhan  
Wahane and others)

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

Court's or Judge's orders.

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Shri P.S.Khubalkar, Counsel for the appellants.  
Mrs. Meghna Munshi, Counsel for the respondents.

**CORAM : ANIL S KILOR, J.**  
**DATE : 29<sup>th</sup> JANUARY, 2020.**

Shri Khubalkar, learned counsel for the applicants seeks leave to correct some dates in the civil application.

2. Leave is granted.
3. Correction of dates in the civil application shall be carried out forthwith.
4. By way of present application, the applicant is seeking restoration of Second Appeal. He has invited my attention to the order dated 28<sup>th</sup> August, 2019 passed by this Court in this appeal whereby the appeal was dismissed for the reason that on the date of order none appeared on behalf of the appellant. This Court dismissed the appeal with cost of Rs.3000/- and it was directed to the Registry that

in case of any application for restoration is filed by the applicant, the Registry shall ensure that amount of Rs.3000/- is deposited by the applicant.

5. Shri Khubalkar, learned counsel for the applicant points out that the costs is already deposited as per the direction of this Court.

6. Mrs. Munshi, learned counsel for the respondent has no serious objection for restoration of the Second Appeal

7. In the said backdrop, the application is allowed and disposed of.

8. Office is directed to restore the second appeal to its original number and put up the matter for final hearing in regular course.

**JUDGE**