

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2454 of 2019
IN
REJECTED CASE NO.756 OF 2018

Punjab National Bank .. Applicant
Versus
The Cotton Textiles Export Promotion
Council .. Respondent
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Mr.Mohammed Varawala with Ms.Aamatulla Suratwala i/b
Intralegal for the Applicant.

Mrs.Rashna Khan i/b Mulla & Mulla & Craigie Blunt & Caroe
for the Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 29th OCTOBER, 2021

P.C:-

1. Heard learned counsel appearing for the applicant and the respondent.

2. By Civil Application No.2454 of 2019, delay of 322 days is sought to be condoned in filing application to restore the First Appeal, which was dismissed by order dated 08/03/2018 for non-removal of the office objections, within a period of four weeks from the date of the order.

3. Perused the application, which reveals that there was some communication gap between the client and the Advocate and though reference has been made in paragraphs 3 and 4 to the several e-mails being exchanged, it can be seen that only after the engagement of a new counsel, it came to the knowledge of the applicant that the First Appeal was dismissed for non-removal of the office objections.

4. The settled position of law being that no party shall be made to suffer for the default of his counsel and since the applicant had engaged the services of the counsel, he is perfectly justified in claiming that he was dependent upon him to take appropriate steps, in furtherance of the directions issued by the Court or its Registry.

I deem it expedient to condone the delay and restore the First Appeal, but this is subject to the stipulation that the applicant shall pay the cost of Rs.25,000/- to the respondent. The costs shall be paid within a period of two weeks from today and an acknowledgment to that effect shall be produced before the Registry. On acknowledgment being produced, the First Appeal shall stand restored to its file.

5. With the aforesaid directions, the Civil Application stands disposed of.

(SMT. BHARATI DANGRE, J.)