

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

**Civil Application (CAO) No. 720 of 2020
in
Misc. Civil Application No. 1357 of 2020
in
Second Appeal (Stamp) No. 12164 of 2017**

(Arvind S/o Somaji Nakade Vs. Pundlik S/o Dhonduji Pustode and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Umredkar, Advocate h/f Shri Anand S. Thotange,
Advocate for the applicant.

Shri N.Y. Thengre, Advocate for the non-applicant.

**CORAM : ANIL S. KILOR, J.
DATED : 17 NOVEMBER 2021**

This is an application for condonation of
delay of 502 days in filing the restoration application.

2. Learned counsel for the applicant states that
applicant was not having knowledge about the dismissal
of the appeal and on receiving the knowledge about the
dismissal of the appeal, immediately, the application for
restoration was filed. However, there was a delay of 502
days and therefore this application has been filed.

3. Shri Thengre, learned counsel for the non-applicants points out that the moment decree holder informed about the dismissal of the second appeal in the execution proceeding, the present application came to be filed. Therefore, the learned counsel for the non-applicant submits that since there is an inordinate delay in filing the application for restoration, the present application may be rejected.

4. After going through the application, it is revealed that the applicant has stated that he had no knowledge about the dismissal of the appeal.

5. Hence, in the present matter this Court is of the view to take a liberal approach while considering the case of the applicant to condone the delay.

6. In that view of the matter, I pass the following order.

7. The application is allowed.

8. The delay is condoned subject to payment of costs of Rs.5,000/- to be paid to the High Court Legal Aid Services Sub Committee, Nagpur within a period of two weeks, failing which the application shall stand rejected.

9. On payment of costs of Rs.5,000/-, office is directed to place the restoration application before this Court for 'Orders'.

[ANIL S. KILOR, J.]