

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

**Civil Application (CAO) No.986 of 2019
In
Misc. Civil Application (St) No.5490 of 2019**

Keshao s/o Jago Thool and another
Versus
Siddharth s/o Hiranman Ratnaparkhi and another

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

Court's or Judge's Order

Shri M.R. Joharapurkar, advocate for the applicant.

**CORAM : ANIL S. KILOR, J.
DATED : 9th DECEMBER, 2021.**

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

2. I have heard learned counsel for the
respective parties.

3. Learned counsel for the applicant points out
that there is a delay of 369 days in filing the restoration
application.

4. He submits that earlier the condonation of
delay in filing the second appeal is condoned subject to
costs of Rs.500/-. However, the costs was not

deposited within stipulated time. Accordingly, the appeal stood dismissed.

5. He further submits that the learned counsel who was appearing at the relevant time did not inform the applicant about the dismissal of the appeal or about non payment of costs, therefore, the applicant could not take immediate steps to file application for restoration. However, on getting the information, the application for restoration was moved. But, there is a delay in filing the same and therefore, this application.

6. It is submitted that as the sufficient cause has been shown in the application. It is further submitted that the delay is not intentional but it is bonafide.

7. Learned counsel for the non-applicants is not seriously opposing the application of delay.

8. In view of the fact that sufficient cause has been shown in this application, the delay is condoned subject to payment of costs of Rs.5,000/- to be paid in the High Court Legal Aid Services Sub Committee, Nagpur within one week from today. Failure to pay the costs, within stipulated time, the application shall stands

dismissed without reference to the Court. The civil application is disposed of.

Civil Application Stamp No. 1152 of 2021

Heard learned counsel for the applicants.

2. For the reasons stated in the application, the application is allowed subject to conditions that applicant shall satisfy the office as regards the compliance of order passed on Civil Application No. 986 of 2019.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2021.12.13
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