

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

CIVIL APPLICATION (O) NO. 116/2018

IN

M.C.A.St.No. 7880/2017

in

FIRST APPEAL NO. 192/2007

Prabhakar Natthuji Bhande...Versus...Sou. Neela Purushottam Itnare and anr

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

Court's or Judge's orders

Mr. Nitin Vyawahare, Advocate for applicant/appellant
Mrs.Sonali Saware-Gadhawe, Advocate for Respondents 1 & 2

CORAM : AVINASH G. GHAROTE, J.

DATE : 08/10/2021

Civil Application (O) No.116/2018 is to condone the delay of 1340 days in filing application for restoration of First Appeal, which came to be dismissed in default on 5.7.2013. The appeal was admitted for final hearing on 9.3.2007. The application demonstrates that an amount of Rs. 2,00,000/- has been deposited as against the award which is for Rs. 1,64,000/-. The entire amount is therefore secured. The application states that the counsel was absent on 5.7.2013 when the matter was called out, which is the reason, it was dismissed for want of prosecution.

In para 4 of the application, reasons have

been given as to the failure of the appellant to contact the counsel thereafter on account of his transfer, accepting which, the delay is condoned. C.A.(O) No. 116/18 is allowed, in spite of the opposition by the learned counsel for the respondents.

For the same reason, the application for restoration i.e MCA St. No. 7880/17 is allowed.

Civil applications stand disposed of.

The appeal is restored to file.

Mrs. Saware, learned counsel waives notice on behalf of the respondent Nos. 1 and 2.

List the matter for final arguments, in the week commencing from 25th October, 2021, considering the appeal is of the year 2007.

JUDGE