

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

Civil Application (CAO) No. 715 of 2020 In
MCAST No.9158 of 2020 In

Civil Application (CAS) No. 597 of 2015

Wamanrao S/o Shivhari Tatte and another

Versus

Smt. Bhagirathibai Gunwantrao Tatte (Dead) through her Legal Heirs
Vinayakrao Gunwantrao Tatte (Dead) through L.Rs Leelabai wd/o
Vinayak Tatte and others

Office Notes, Office Memoranda of
der

Court's or Judge's Or-

Coram, appearances, Court's Orders
or directions and Registrar's order

Shri A.J. Thakkar, Advocate for applicants

CORAM : ANIL S. KILOR, J.

DATED : 18 DECEMBER 2021

Heard the learned Counsel for the
applicants.

2. None for the non-applicants though served.

3. By way of this application, the applicants
are praying for condonation of delay in filing
application for restoration of Second Appeal Stamp
No. 10926/2015. Shri Thakkar, learned Counsel for
the applicant points out that there is a delay of 1291
days and as the earlier learned Counsel appearing for
the applicant failed to appear in the matter when the

matter was listed on 10/02/2017 and therefore it was dismissed in default. It is pointed out that both the applicants are senior citizens. They are in their advanced age and had no knowledge of dismissal of their appeal. In view of the fact that the then learned Counsel did not inform the said fact of dismissal of the same to the applicant, immediate steps were not taken in this matter for filing application for restoration. However, as after the applicants received knowledge about the said fact, immediate steps were taken for filing application for restoration of Second Appeal. However, there was a delay, the present application came to be filed.

4. After going through the application and looking to the reasons stated in the application and more particularly taking into consideration the fact that the applicants are senior citizens, I am of the opinion that sufficient cause has been shown in the application. Accordingly the application is allowed. The delay caused in filing restoration application is condoned.

5. The office is requested to register the application for restoration and place the same for orders on 23/12/2021.

[ANIL S. KILOR, J.]