

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

CIVIL APPLICATION (CAO) NO.139 OF 2018
IN
MISC. CIVIL APPLICATION ST. NO. 22782 OF 2017
IN
SECOND APPEAL NO.178 OF 1999

(TEJRAM PANDU PAHUNE (DEAD) THR. LRS. & OTH....VS.. SADASHIV PANDU PAHUNE & OTH.)

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

Court's or Judge's orders

Shri S.R.Charpe, Advocate for Applicants.

CORAM : ANIL S. KILOR, J.
DATED : NOVEMBER 23, 2021.

1. This is an application for condonation of delay in filing application for restoration of second appeal.
2. Heard learned counsel for the applicants.
3. He has pointed out that there is a delay of 2275 days in filing application for restoration of second appeal. He has pointed out reasons are stated in the application, more particularly in paragraph Nos. 3 to 6. It is submitted that the matter was admitted on 19/03/2021 after framing substantial question of law and when the matter was thereafter listed for final hearing in the month of June 2011, because of his absence the matter was dismissed in default and as the appellants were not aware about dismissal of the appeal no steps could be taken immediately after dismissal of the appeal to restore the

same and as such the delay of 2275 days has been caused.

4. Though, the non-applicants, who are served, none appears for them and nobody is opposing the said application.

5. In view of the fact that the non-applicants are not disputing the fact stated by the appellant that he was not aware about dismissal of the appeal, I am of the opinion that, in the interest of justice, the application needs to be allowed. Accordingly, the application is **allowed**. The delay caused in filing application for restoration of the second appeal is condoned.

The application stands **disposed of** accordingly.

6. Office is directed to place this matter after two weeks, after registering the Misc. Civil Application for restoration of second appeal.

JUDGE