

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.10804 OF 2022
IN SA/552/2021**

**SHANKAR SAMBHAJI LONE
VERSUS
KESHARBAI BHIMRAO SADAWARTE AND ANOTHER**

...
Advocate for Applicant : Mr. G. J. Karne
...

CORAM : BHARAT P. DESHPANDE, J.

DATED : 03rd AUGUST 2022

PER COURT :

Heard.

2. This is an application for restoration of Second Appeal, which was dismissed by order dated 05-04-2022 as the appellant failed to comply with order dated 17-03-2022 and 05-04-2022.

3. It shows that on 17-03-2022, after hearing learned counsel for appellant, this Court directed issuance of notice to the respondents. Thereafter, Registry pointed out that appellant failed to supply copies of appeal memo for issuance of notice, hence conditional order was passed on 05-04-2022. The applicant/appellant failed to comply with said conditional order.

4. Learned counsel for applicant/appellant submits that he is ready and willing to supply copies within two days.
5. Considering the above aspect and in the interest of justice, order of dismissal of Second Appeal needs to be quashed and set aside.
6. The application stands allowed.
7. The order dated 05-04-2022 is quashed and set aside and the Second Appeal is restored.
8. Applicant shall furnish copies within a period of two days. Thereafter, office to issue notice to the respondents, returnable on 12-09-2022.

(BHARAT P. DESHPANDE, J.)