

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

**MISC. CIVIL APPLICATION (REST.) NO. 1131/2019 IN SECOND
APPEAL NO. 140/2009 (D)**

Harilal s/o B. Shahu, thr. LRs Smt Vidhyawati wd/o Harilal Shahu and others. **Versus** Kedarnath B. Shahu and others.

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

Court's or Judge's Order

Shri C.S. Dharmadhikari, Advocate for Applicants/Appellants.

**CORAM : M.S. JAWALKAR, J.
DATED : 31st JANUARY, 2022**

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

Respondents though served has not appeared. This is an application for restoration of appeal dismissed vide order dated 27/6/2019.

It appears that after framing of substantial questions of law in the present appeal, the appellants preferred an application for grant of early hearing thereupon vide order dated 14/02/2014 it came to be allowed. Thereafter, the matter came to be listed on 14/06/2019, as no one appeared on behalf of the appellants. The matter was again listed on 27/06/2019, no one was present on that day also. The

matter was dismissed for want of prosecution. The appellant- Harilal expired on 04/11/2018 and this fact was not communicated to the Court, as counsel for the appellant also expired on 21/01/2018, and therefore none for the appellant were present when the matter was listed for final hearing. His contention is not entertained by the respondent. The reasons for non-appearance is sufficiently explained. Therefore, the application needs to be allowed accordingly.

Registry is directed to restore the appeal on its original number.

The Misc. Civil Application is disposed of.

[M.S.JAWALKAR, J.]