

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

CIVIL APPLICATION (CAO) NO. 822/2021 IN
MISC. CIVIL APPLICATION STAMP NO. 15195/2021

Sheela W/o Dinkar Sawale and others

Vs.

Nawalkishor S/o Pralhad Kathole and others

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

Court's or Judge's orders

Shri A.S. Londhe, Advocate for appellants

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 22/08/2022

The present application is filed for condonation of delay in filing Misc. Civil Application for restoration of first appeal. It appears that appeal came to be dismissed for non filing of paper book. There was conditional order and for non compliance, appeal was dismissed without reference to the Court.

2. It is contended that being layman they are not having any idea about the dismissal of proceeding. They were repeatedly in contact with their Advocate. However, he was not taking proper steps. Therefore, they obtained no objection and filed present application for restoration along with condonation of delay. In spite of service of notice respondents are absent.

3. In view of reasons stated in paragraph No.5, I am satisfied that there is no intentional or deliberate delay. As such, delay in filing first appeal is hereby condoned. Misc. Civil Application is directed to be registered.

MISC. CIVIL APPLICATION STAMP NO. 15195/2021

1. Present application is filed for restoration of first appeal, challenging the judgment of Motor Accident Claims Tribunal, Akola which is dismissed for want of compliance of paper book.

2. For the reasons stated in paragraph No.4 of the application, the application is allowed.

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

4. The application is allowed, subject to costs of Rs. 1,000/- to be paid to the High Court Bar Library, Nagpur.

(SMT. M.S. JAWALKAR, J.)

Jayashree..