

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

CIVIL APPLICATION (CAO) NO. 95 OF 2022
IN
MISC. CIVIL APPLICATION (ST.) NO. 25749 OF 2019
IN
SECOND APPEAL NO. 247 OF 2016 (D)

Sanjay S/o. Someshwar Taide @ Narayan Uttamrao Taide

...VERSUS...

Rajendra S/o. Devidas Dhale and ors.

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

Court's or Judge's order

Shri D.S.Khushalani, Advocate for appellant/applicant.

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

DATE : 21th NOVEMBER, 2022

Heard.

In spite of service, none appears for respondent nos. 1 to 3.

2. The present application is filed by the appellant/applicant for condonation of delay in filing the application for restoration of Second Appeal.

3. It is submitted that the learned counsel appearing for appellant has shifted to New Delhi and no information was given to the appellant. The Second Appeal came to be dismissed on 07/06/2018 by Registrar (Judicial) for want of supply of copies for issuance of notices to respondent nos. 1 to 3. Though the delay has been explained, there is negligence on the part of the appellant, so also the appellant has not taken any steps for 552 days. As such,

the application is allowed, subject to costs of Rs. 1,000/- to be paid to the High Court Bar Association, Nagpur within a period of one week. Accordingly, the application stands disposed of.

MISC. CIVIL APPLICATION (ST.) NO. 25749 OF 2019

The reasons stated in the application that the counsel for the appellant did not inform the appellant about dismissal of Second Appeal and matter was dismissed. The appellant prays for restoration of Second Appeal. For the reasons stated in the application, the application is allowed.

2. Registry is directed to register the Second Appeal on its original number. After registration of same, the appellant/applicant to remove office objection within one week.

3. After registration of Second Appeal on its original number and supplying of copies for issuance of notices to respondent nos. 1 to 3 (i.e. after removal of office objection), issue notice on admission to the respondents, returnable within three weeks.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar