

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 16949 OF 2023
IN
FIRST APPEAL NO. 570 OF 1996

Sangli Municipal Council Now Sangli Miraj And
Kupwad Cities Municipal Corporation Sangli ...Applicant/
Through its Commissioner ...Appellant

Versus

Gajanan Krishna Pawar Through POA No.4 And
Ors ...Respondents

Ms. Sayali Gangal a/w. Mr. Amey Sawant i/b. Mr. Vikram Walawalkar,
Advocate for Applicant.
None for Respondents.

CORAM : M.M. SATHAYE, J.

DATE : 18th DECEMBER, 2023

P.C. :

1. Above Interim Application is filed for restoration of the above Appeal which was dismissed for default under Order 21.09.2023. Record shows that this application is filed on 13.10.2023.

2. Heard learned counsel for the Applicant. None for the Respondents. Learned counsel for the Applicant fairly submitted that when the learned counsel for the Respondents was served with the notice of the present application and today's date was communicated, the Advocate for the Respondents (whose name is appearing on board today) informed that he has returned the case papers.

3. Learned counsel for the Applicant invited this Court's attention to the copy of the daily cause list dated 21/09/2023 to support her contention that the Advocate on record was on leave on that day and had filed a leave note. It appears that this fact was not brought to the notice of Court. Be that as it may, in view of the fact the this application is filed within a period of limitation (within 30 days from the date of the Order) and considering that the first appeal was an admitted appeal and further considering averments in the application, it is allowed in terms of prayer clause (a). The above Appeal is restored to file for hearing.
4. Interim application is disposed off.
5. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)