

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3990 OF 2018
IN
FIRST APPEAL NO.1049 OF 2017**

Harishchandra R. Dingankar] Applicant

IN THE MATTER BETWEEN:

Harishchandra R. Dingankar] Appellant

Vs.

Ramesh Govind Velunde] Respondent

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Mr. Saurabh Utangale i/b Utangale & Co., for Applicant.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 12th JULY, 2023.

P.C.

1. Registrar (Judicial-II) of this Court by a self operative order passed on 27th March, 2018 dismissed the appeal since the appellant failed to supply copy of the first appeal for the sole respondent.

2. Counsel appearing for the applicant submits that immediately after the order dated 27th March, 2018 was passed, an application was moved for setting aside the said order.

3. As a matter of fact, record shows that application was moved on 12th June, 2018 i.e almost after more than two and half months. It seems that the Counsel has made a misleading statement suppressing the fact that there was a delay. Even prayer clause (a) of the application reveals that delay is of only 15 days, however, in the interest of justice, at this stage, no cost is imposed.
4. Since it is always desirable to hear the appeals on merits, delay is condoned and order dated 27th March, 2018 is set aside. The appeal is restored to it's original file.
5. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]