



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

MISC. CIVIL APPLICATION (RESTO) NO.622/2023 IN
SECOND APPEAL NO.139/2006(D)

Smt. Anusayabai Rekchand Deotale (dead) thr. LR's Sau Rupa w/o Pradip Nagrale Vs.
Smt. Rukhmabai w/o Vitthal Jarate (deleted) Baburao Vitthalrao Jarate

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

Court's or Judge's orders

Shri A.R. Patil, Advocate for appellants
Shri O.S. Ahamad, Advocate for respondent

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 14/09/2023

The present application is filed for restoration of Second Appeal which was dismissed in default vide order dated 02/02/2023. The learned Counsel for appellant was held up in part heard matters and could not attend this Court when the appeal was called out.

2. In my considered opinion, there is sufficient cause for not appearing on the date when matter was called out twice. As such, application is allowed.

3. The order dated 02/02/2023 is hereby recalled.

4. The Registry is directed to restore the Second Appeal on its original number.

5. Shri O.S. Ahamad, learned Counsel waives notice for respondent No.2 on merit.

6. List the matter in the 3rd week of October, 2023 for final hearing.

JUDGE

R.S. Sahare