



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

MISC. CIVIL APPLICATION (RESTO) NO.790 OF 2022

IN

CIVIL APPLICATION (O) NO.681 OF 2020

IN

MISC. CIVIL APPLICATION (ARBN) NO.933 OF 2019 (D)

(Farmerbank Employees Co-operative Housing Society Limited, Nagpur thr. its
President Mr. Shekhar Saraf Vs. M/s Smile Realtors Private Limited, Nagpur thr. its
Director Mr. Anoj Agarwala Shrimangal)

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

Court's or Judge's orders.

Mr. S. S. Ghatge, Advocate for Applicant.
Mr. S. A. Chaudhari, Advocate for Respondent.

CORAM: ANIL S KILOR, J.

DATE: 29th SEPTEMBER, 2023.

The Civil Application No.681/2020 was dismissed as none appeared on behalf of the applicant on 14.12.2020. It is submitted that the learned counsel had undergone cataract surgery at the relevant time and therefore, he could not attend the matter on 14.12.2020, which resulted in dismissal of the Civil Application No.618/2020.

2. Mr. Chaudhari, the learned counsel for the respondent strongly opposes the present application and he has pointed out the conduct of the applicant as recorded by this Court in the order dated 27.01.2020 of making allegations against the Arbitrator. It is, therefore, submitted that if this Court is of the opinion to restore the Civil

Application No.681/2020, the same may be subject to heavy costs.

3. Considering the reason for not attending the matter, I am of the opinion that the present application needs to be allowed subject to costs.

4. The applicant has already deposited the costs of Rs.10,000/- as per the order dated 14.12.2020.

5. In the circumstances, the application is allowed subject to payment of further costs of Rs.20,000/- payable by the applicant within two weeks from today. The costs shall be deposited in The High Court Gazetted Officers' Association, Nagpur Bench, Nagpur.

(ANIL S. KILOR, J.)