

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

...
CIVIL APPLICATION (O) NO.1030/2023
IN
MCA (ST) NO. 15290/2023
IN
SECOND APPEAL(ST) NO. 8337/2022

Shrawan Bajirao Tathe (Dead) Th: LRs

1A Smt. Sushila Tathe and others

..Applicant/s

versus

Vitthal s/o laxman Wad and others

..Respondent/s

.....
Mr.U.A.Gosavi, Advocate for the applicant /s
.....

CORAM: ANIL L. PANSARE, J.

DATED: 11th August,2023.

PC:

By the present application, the applicants are seeking to condone the delay of 372 days in filing the application for restoration of appeal. It appears that the appeal came to be dismissed by the Registrar's order dated 7th July 2022 in terms of Chapter II Rule 12 of the Bombay High Court Appellate side Rules, 1960.

2. Mr. Gosavi, the learned counsel for the applicants submits that the applicants came to know of dismissal of the appeal when the respondents/decreed holders initiated the execution proceedings and at that time, the applicants contacted the earlier Advocate who gave evasive replies. Thereafter, the applicants verified the status of the appeal from the Internet and came to know of the impugned order.

3. Thus, the applicants are blaming their earlier Advocate for not taking necessary steps. It is unfortunate that the earlier Advocate has been blamed and in his absence, it is difficult to accede to the blame. Nonetheless, in the interest of justice, the delay is hereby condoned, however, subject to the costs of Rs. 2500/- (Rupees two thousand five hundred), to be paid to the High Court Bar Association Library, Nagpur, within seven working days. Order accordingly.

[ANIL L. PANSARE, J.]

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