



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

CIVIL APPLICATION (CAO) NO.1361/2023
IN
MISC. CIVIL APPLICATION ST. NO. 21665/2023
IN
SECOND APPEAL NO.186/2023 (D)

Moreshwar @ Harishchandra s/o Tulshiram Ambilkar
Vs.
Shardabai Madhav Rangari and others

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

Court's or Judge's

Shri S.A. Bramhe, Advocate for appellant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 02/11/2023

The application is filed for condonation of delay of 71 days in filing application for restoration of Second Appeal. It is submitted that matter was listed on 17/07/2023 before this Court and came to be disposed of due to non appearance of the Counsel. It is submitted that inadvertently on 17/07/2023, when the matter was listed, it was not marked from the cause list and same could not be attended. The dismissal of the appeal came to the notice on 26/10/2023. It is submitted that there

are no deliberate or intentional delay in filing application.

2. The application is supported by affidavit of Advocate.

3. As such, I am inclined to allow the application, subject to costs of Rs.1000/-, as Advocate has not shown due diligence. Accordingly, the application is allowed.

4. The delay in filing restoration application is hereby condoned subject to costs of Rs.1000/- to be paid to the Vidarbha Lady Lawyers Association, Nagpur within a period of two weeks.

5. The Registry is directed to register the Misc. Civil Application.

6. The application stands disposed of accordingly.

MISC. CIVIL APPLICATION ST. NO.21665/2023

1. The present application is filed for restoration of second appeal which was dismissed on 17/07/2023 for non appearance of the Counsel for appellant.

2. For the reasons stated in the application, the application is allowed.

3. The Registry is directed to register the Second Appeal on its original stamp number, subject to costs as directed above in Civil Application No.1361/2023.

4. Application stands disposed of accordingly.

JUDGE

R.S. Sahare