



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

CIVIL APPLICATION (CAO) NO. 1488 OF 2023
IN
MISC. CIVIL APPLICATION (ST.) NO. 23592 OF 2023
IN
SECOND APPEAL NO. 88 OF 2006 (D)

MURALI MANOHAR S/O. HEMRAJ RAHI

...**VERSUS**...

TARACHAND S/O. DHADU KATRE AND ORS.

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

Court's or Judge's order

Shri Aniket Likhitkar, Advocate h/f. Mrs. Deepa I. Charlewar, Advocate for applicant.

CORAM : SMT. M. S. JAWALKAR, J.

DATE : 19th DECEMBER, 2023

The present application is filed for condonation of delay in filing application for restoration.

2. For the reasons stated in para nos. 4 and 5 of the application, I am satisfied that there is justifiable reason for not filing the application within limitation. As such, the application is allowed. Delay in filing restoration application is hereby condoned.

3. Registry is directed to register the restoration application i.e. MCA (St.) No. 23592/2023.

4. Accordingly, the application stands disposed of.

MISC. CIVIL APPLICATION (ST.) NO. 23592 OF 2023

The present application is filed for restoration of Second Appeal No. 88/2006 by setting aside the order of dismissal dated 03/10/2023.

2. It is submitted that due to inadvertent mistake, the matter could not be marked in the cause list and therefore, the applicant could not remain present in the matter. As such, for the said reasons, I am inclined to allow the application. Accordingly, the application is allowed. The order of dismissal dated 03/10/2023 is hereby set aside.

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

4. Accordingly, the application stands disposed of.

SECOND APPEAL NO. 88 OF 2006 (D)

After restoration of Second Appeal, issue fresh notice to the respondents, returnable within three weeks.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar