



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO. 335 OF 2024
IN SA/334/2003

RAJKUMAR BUDHARMAL GURUBAKSHANI
VERSUS
SANGITA NANDLAL GURUBAKSHANI AND OTHERS

...

Mr. Sant Tapan Kishor, Advocate for Applicant

Mr. Mukul S. Kulkarni, Advocate for Respondent Nos. 1 to 4.

CORAM : Y. G. KHOBRAGADE, J.

DATE : 18th April, 2024

ORDER:

1. Heard both sides at length.
2. By the present application, the applicant prays for condonation delay of 79 days caused in filing the application for restoration of appeal which has been dismissed on 21.08.2023. The applicant contended that due to ailment, he was hospitalized and his counsel has been elevated to the Bench.
3. The ground set out in the application appears to be bonafide and substantial. None appeared before the Court on 21st August, 2023, when the matter was called out.
4. In view of the above, the delay of 79 days caused in filing the application for restoration of appeal is hereby condoned. The appeal is restored to its original stage at which it was dismissed, subject to payment of cost of Rs.5,000/- to be paid to the Advocate's Association

of Bombay High Court, Bench at Aurangabad within a period of one week.

5. It is made clear that if the appellant fails to comply the order of cost, in that even the appeal shall stand dismissed without further reference to the Court and no further application for restoration would be entertained.

(Y. G. KHOBRADE, J.)

JPChavan