



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9209 OF 2024
IN
INTERIM APPLICATION NO. 2589 OF 2019
IN
FIRST APPEAL NO. 180 OF 2013

Sunil Shantaram Nagare

...Appellant.

Versus

Jayantilal Jethmal Kothari.

...Respondent.

Mr. Vedant Bonde for the Appellant.

*Mr. S. R. page, Ms. Jyoti A. Kanojia, Ms. Harshada K. h/f Kantilal H. Kanojia for
the Respondent.*

Coram : Sharmila U. Deshmukh, J.

Date : September 13, 2024.

P. C. :

1. This Interim Application seeks recall of the order dated 17th October 2023 passed in Interim Application No. 2589 of 2019 and for condonation of delay of 160 days.
2. Learned counsel appearing for the Respondent submits that there is no sufficient explanation for the delay.
3. Learned counsel appearing for the Appellant submits that due to default on the part of advocate, the Interim Application No. 2589 of 2019 filed for restoration of the First Appeal, which was dismissed for default, also came to be dismissed for default and as the Appellant was

not informed there is delay of 160 days in preferring the present application.

4. As the default is attributed to the advocate on record, the litigant should not be made to suffer. Therefore, delay of 160 days is condoned. For the reasons stated in the application the order dated 17th October 2023 passed in Interim Application No. 2589 of 2019 is recalled. Interim Application No. 2589 of 2019 is restored to the file.

[Sharmila U. Deshmukh, J.]