



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

**CIVIL APPLICATION NO.615 OF 2024 IN  
MISC. CIVIL APPLICATION (ST.) NO.24051 OF 2023 IN  
SECOND APPEAL NO.470 OF 2022**

(Manikrao Pandurang Fasale Vs. Gajanan Anandrao Sontakke and ors.)

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Mr. V.B. Bhise, Advocate for the appellant.  
Mr. U.J. Deshpande, Advocate for respondent Nos.1 to 7.  
Mr. A. Dhage, Advocate for respondent Nos.8, 9, 10B and 10C.

**CORAM:- URMILA JOSHI-PHALKE, J.**  
**DATED :- NOVEMBER 12, 2024.**

By this application, the applicant is seeking condonation of delay which is caused in filing the restoration application. The ground raised in the application is that the appellant could not trace the matter for certain period of time and could not locate the matter in the cause-list, and therefore, he could not file an application and delay is caused. There is sufficient and satisfactory reason for condonation of delay.

2. The application is strongly opposed by the learned Counsel for the respondents on the ground that there is no satisfactory and sufficient reason for condonation of delay and prays for rejection of the application.

3. I have heard learned Counsel for both the parties. Perused the application. There is sufficient and satisfactory reason for condonation of delay. Considering

that there is a delay of 138 days, the application deserves to be allowed subject to the costs of Rs.2000/-.

4. The costs be paid to the Vidarbha Lady Lawyers Association.

5. The application is disposed of.

**MISC. CIVIL APPLICATION (ST.) NO.24051 OF 2023**

This is an application for restoration of the second appeal on the ground that the notice was issued vide order dated 19/12/2022. Thereafter matter was not listed for certain period of time and after detailed enquiry, the appellant learnt that second appeal is dismissed.

2. Considering the reason mentioned in the application and it is well settled law that the parties to be permitted to defend the matter on its own merits. In view of that, the application deserves to be allowed.

3. The second appeal be restored at its original stage.

4. The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**