



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

**CIVIL APPLICATION (CAO) NO. 549 OF 2024
IN
MISC. CIVIL APPLICATION (ST) NO. 8440 OF 2024
IN
SECOND APPEAL NO. 140 OF 2023 (D)**

Jeetendra S/o. Punjaramji Bhagat
Vs.
Prabhakar S/o. Vithalrao Pandao

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

Court's or Judge's Order

Shri A. V. Bhide, Advocate for applicant.
Shri M. P. Dhruve, Advocate for non-applicant.

CORAM :- M. W. CHANDWANI, J.

DATED :- 30.08.2024

Heard the learned counsel for the applicant
as well as the learned counsel for the non-applicant.

2. There is delay of 239 days in filing the application for restoration of appeal. The contention is that name of the counsel, who was subsequently appeared in the matter was not exhibited on daily board and therefore, the counsel could not note the date and consequently appeal came to be dismissed for want of prosecution.

3. Though, it has been submitted that the delay has not been explained but, the fact remains that the name of the counsel was not shown on the cause-list. In

para no. 4, the appellant has specifically mentioned that the appellant came to known on 18.04.2024 about dismissal when execution proceeding was filed by the respondent.

4. Considering the reason mentioned in application and the submission of the learned counsel for the applicant, a case is made out for condonation of delay. Hence, the delay in filing restoration application is condoned.

MISC. CIVIL APPLICATION (ST) NO. 8440 OF 2024

5. Heard.

6. For the reason mentioned in application, the application is allowed. The appeal be restored to file.

SECOND APPEAL NO. 140 OF 2023

7. List the matter on 13.09.2024.

(M. W. CHANDWANI, J.)