



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 755 OF 2024
IN
CRIMINAL APPEAL NO. 530 OF 2011

Dhiraj s/o Dhanraj Bhandare Vs Aslam Khan s/o Haji Haafiz Khan

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

Court's or Judge's Order

Mr. Abdul Bashir, counsel for applicant/appellant.

Mr. S.S. Sitani, counsel for respondent.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/08/2024.

1. Heard.
2. The appeal is dismissed by order dated 07/08/2024. Considering the appeal is of 10 years old and after repeated opportunity, none has represented the appellant.
3. Now, the present application is filed for the restoration of the appeal.
4. Learned counsel for the applicant submitted that as the applicant was suffering from Diabetes, Urinary Tract Infection (UTI) and was not able to move from his house and therefore, he could not contact with the counsel. There was no deliberate intention on the part of the learned counsel not to attend this Court. Inadvertently, it was not attended by him, and therefore, the appeal be restored.
5. It is well settled that the opportunity is to be granted to the parties to fight their legal dispute on merit.

Considering the reasons mentioned in the application, the appeal is restored to its original stage, subject to the costs.

6. Learned counsel for the applicant shall deposit the costs of Rs. 1000/- with the Vidharbha Lady Lawyers Association, Nagpur within one week.

7. The criminal application (APPA) No. 755/2024 is **disposed of**. The criminal appeal is restored as its original stage.

8. List the appeal for final hearing on **03/09/2024** at the end of admission board.

[URMILA JOSHI-PHALKE, J.]