



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

CIVIL APPLICATION (O) NO.700 OF 2021
IN
MISC. CIVIL APPLICATION STAMP NO.12422 OF 2021
IN
SECOND APPEAL NO.337 OF 2005

(Parvatabai Ramrao Deosarkar and others Vs. Pravin Deorao Deosarkar)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. J. S. Wankhede, Advocate for Applicants/Appellants.
Mr. Vishwas Gadbaile, Advocate i/b Mr. K. S. Narwade, Advocate for
Respondent.

CORAM: SMT. M. S. JAWALKAR, J.

DATE: 6th JANUARY, 2025.

The second appeal is dismissed in default on 26.02.2019. It is contended that the matter was listed on 11.02.2019 and earlier counsel could not contact to the present applicants. Accordingly, the matter was stand over for two weeks. However, thereafter also the learned counsel could not contact with the present applicants/appellants. It was alleged that till 26.02.2019, the second appeal was pending. However, it was revealed, after verification, on the website that the appeal is already dismissed in default on 26.02.2019. There is a delay of 918 days in filing restoration application of second appeal. It was not fault on the part of the applicants. Still the delay is around 2½ years, no due diligence is not shown. Therefore, though I am inclined to allow the application subject to costs of Rs.3000/-.

2. For the reasons stated in the application, delay is hereby condoned subject to costs of Rs.3000/-. The application stands disposed of accordingly.

3. The amount of costs directed to be deposited within a period of two weeks to the High Court Bar Library, Nagpur.

MISC. CIVIL APPLICATION STAMP NO.12422 OF 2021:

For the reasons stated in the application, the application is allowed.

2. The order passed by the Registrar (Judicial) dated 26.02.2019 is hereby recalled.

3. The Registry is directed to register the Second Appeal on its original stamp number, subject to payment of costs as directed above.

JUDGE