

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

CIVIL APPLICATION (CAO) NO. 1432/2019 IN MCA (ST) NO. 15585/2019 IN
SECOND APPEAL NO. 189/2010

(Sau. Sudhabai Nilkant Deshmukh & ors. Vs. Sunil Annaji Ulhe & ors.)

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

Court's or Judge's orders

Mr. N.R. Saboo, Advocate for appellants/applicants.
 Mr. N.B. Bargat, Advocate for respondent Nos. 1 to 11.

CORAM: ROHIT W. JOSHI, J.
DATED : 17/04/2025.

Heard.

2. Second Appeal No.189/2010 was admitted on substantial questions of law vide order dated 11.06.2010. Another second appeal being Second Appeal No.218/2009 arising out of the same judgments and decrees is pending for adjudication before this Court. Second Appeal No.189/2010 came to be dismissed in default, since the counsel for appellants did not supply copies for issuance of notices to the respondents and also did not pay the process fees for issuance of notices. Learned counsel for appellants has filed application for restoration along with application for condonation of delay. There is delay of around 1982 days in filing the restoration application.

3. For the reasons mentioned in the applications coupled with the fact that second appeals of the earlier years are still pending as also connected appeal arising out of the

same judgments and decrees, being Second Appeal No. 218/2009 is also pending for adjudication, it would be expedient in the interest of justice to condone the delay caused in filling of restoration application as also to restore the second appeal.

4. In view of above, civil application No. 1432/2019 and MCA (St.) No.15585/2019 are allowed subject to payment of cost Rs. 5000/-.

(ROHIT W. JOSHI, J.)

Gohane