



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

CIVIL APPLICATION (O) NO.808 OF 2021
IN
MISC. CIVIL APPLICATION (ST) NO.14038 OF 2021
IN
SECOND APPEAL NO.157 OF 2011

[Shri Bhagwant S/o. Shankarrao Gedam **..Vs..** Shri Sheshrao S/o.
Natthuji Vighe (Dead) thr LRs]

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

Court's or Judge's order

Ms P. Pisurde, Adv. h/f Mr S. V. Sirpurkar, Advocate for Applicant/Appellant.

CORAM : M. W. CHANDWANL, J.

DATE : 30th JULY, 2025.

1. Heard.
2. This is an application for condonation of delay in filing the restoration application.
3. The contention is that inadvertently, the matter was not marked in the monthly hearing board of 2019 and therefore, this Court dismissed the appeal on 20.08.2019. When, the Gram Panchayat issued a notice for mutation of the suit property, then the applicant came to know about the dismissal of the appeal and filed an application.
4. Though the non-applicants were served on the application for condonation of delay as well as application for restoration of the appeal, but nobody appeared on behalf of them. Therefore, the contention made by the applicant on the affidavit remains uncontroverted since no reply has been filed.

5. Since this is a second appeal and the earlier dates are not given for the admitted matter, I find substance in the argument advanced by the learned counsel for the applicant. The delay in filing the application for restoration of appeal is condoned and for the same reason, the appeal is restored to its file subject to payment of costs of Rs.5,000/- to be paid to “Gondia Bar Association” for development of its Library.

6. Accordingly, the application stand disposed of.

7. *Status-quo* granted earlier shall remain to continue till the next date of hearing.

JUDGE

Tambe.