



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
MISC. CIVIL APPLICATION (RESTO) NO. 623 OF 2025
IN
CIVIL APPLICATION (CAS) NO. 88 OF 2023
IN
SECOND APPEAL ST NO. 499 OF 2023

Smt. Saraswati Chirkut Meshram and ors **Vs.** Shriram s/o Narayan Tidke and
ors.

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

Court's or Judge's Order

Dr. A. H. Jamal, Advocate for applicants/appellants.

Mr. Girish Purohit, Advocate for Non-applicant/respondent Nos. 1&2.

Mr. Pankaj Deshpande, Advocate for non-applicant/respondent No.5,6,and
7.

CORAM : ROHIT W. JOSHI, J.

DATE : 09.10.2025.

1. Civil Application No.88 of 2023 was filed seeking condonation of delay in filing Second Appeal St. No. 499 of 2023. On account of the failure on the part of the Advocate for the appellants to appear in the matter, the said application was ordered to be dismissed for want of prosecution vide order dated 18.08.2025.

2. Application for restoration is filed on 09.09.2025. It is stated that the name of the Advocate appearing on behalf of the applicants, was not reflected in the cause list, as a consequence of which, he did not appear in the matter and the application came to be dismissed for want of prosecution. The present application for restoration is filed within the prescribed period of limitation.

2. The learned Advocate for the non-applicants Nos. 1 and 2 contends that the prayer in the application is for

restoration of the Second Appeal, although the application for condonation of delay in filing Second Appeal was not decided and was dismissed.

3. Perusal of the prayer clause will demonstrate that the applicant has prayed for restoration of application for condonation of delay with the Second Appeal.

4. It is true that the Second Appeal was not registered since the application for condonation of delay was pending adjudication. However, for the reasons mentioned in the application and having regard to the principle that the client should not suffer for the mistake of the Advocate, the present Misc. Civil Application No. 623 of 2025 is **allowed and stands disposed of**.

5. Civil Application (CAS) No.88 of 2023, 493 of 2025 and Second Appeal St. No.499 of 2023 are restored to file.

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6. Issue notice to the non-applicants/respondents, returnable on 03.11.2025.

7. The appellants are permitted to serve the non-applicants by Speed Post, in addition to regular mode of service.

8. Learned Advocate, Mr. Girish Purohit, waives notice for non-applicants Nos.1 and 2.

9. Interim order, if any, to continue till then.

(ROHIT W. JOSHI, J.)