



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

**MISC. CIVIL APPLICATION (MCA) NO.818 OF 2024
IN
SECOND APPEAL NO. 409 OF 2009**

RAMNAT S/O SHIVA GURNULE THROUGH LRS AND OTHERS

Vrs.

SMT. SHASHIKALA WD/O MADHAORAO BHASKARWAR (SINCE DECEASED THROUGH
ALLEGED LEGATEE)

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

Court's or Judge's Order

Shri A. P. Kinkar, Advocate h/f Shri D. R. Khapre, Advocate for
appellants.

Ms. Janvi Chotai, Advocate h/f Shri M. Anilkumar, Advocate for
respondent-sole.

CORAM: ROHIT W. JOSHI, J.
DATE : 22/04/2025.

1. The Second Appeal No.409/2009 was admitted vide order dated 18/09/2012. The matter was listed for final hearing on 15/02/2024.

2. The learned counsel for the appellants made a statement that the appellants have taken away the case papers from him for engagement of another advocate. Learned counsel then appearing in the matter was discharged and the appeal was dismissed under Order 41 Rule 17 of the Code of Civil Procedure for want of prosecution. The present application is filed on 05/03/2024 seeking restoration of the appeal.

3. For the reasons mentioned the application, which sufficiently explain the cause for non-appearance, the Civil Application is allowed.

4. The Second Appeal No.409/2009 is restored to file, since the appeal is of the year 2009.

5. At the joint request of the parties, put up this matter for final hearing on 02/05/2025.

[ROHIT W. JOSHI, J.]

Choulwar