



22.cao.709.2024 in fa.322.2009.odt

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

CIVIL APPLICATION (CAO) NO. 709 OF 2024

IN

MISC. CIVIL APPLICATION (ST) NO. 5033 OF 2024

IN

FIRST APPEAL NO. 322 OF 2009

(Hamidkhan Daulatkhan V/s Abdul Matin Shaikh Nasim & Ors.)

Office Notes, Office Memoranda of Coram,
Appearances, court's orders or directions and
Registrar's orders

Court's or Judge's orders

Mr. B. D. Vora, Advocate for Applicant.
Ms. Sneha Padwekar, Advocate for Respondent
No.4.

CORAM : PRAVIN S. PATIL, J.
DATE : OCTOBER 03, 2025.

CIVIL APPLICATION (CAO) NO. 709 OF 2024

. By this Application, the Applicant is seeking
condonation of 32 days delay in filing restoration application.

2. The learned Counsel for Respondent No.4 vehemently
opposed the Application and stated that the reasons stated in the
Application are not sufficient to condone the delay. So, the present
Application be rejected.

3. I have gone through the averments made in the
Application. The same are not controverted by filing any affidavit
in the matter.

4. For the reasons stated in the Application, Civil Application is allowed.

MISC. CIVIL APPLICATION (ST) NO. 5033 OF 2024

. This Application is filed for restoration of Appeal, which was dismissed in default vide order dated 3/1/2024 passed by this Court.

2. It is stated that at the relevant time daughter of the Applicant was suffering from Dengue, and therefore, he was busy in attending the daughter.

3. Considering the reasons stated in the Application, Misc. Civil Application is allowed.

4. The office is directed to restore the First Appeal No 322/2009 on its file at original stage.

5. List the Appeal for final disposal on 9th October, 2024.

6. It is made clear that Appellant should positively supply the copy of paper book to the other side on or before the next date and on the next date attempt should be made to work out the matter finally, as the First Appeal is pertaining to the year 2009.

7. List the matter on 9th October, 2025.

[PRAVIN S. PATIL, J.]

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