

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 375 OF 2015
IN
CIVIL REVISION APPLICATION (ST.) NO. 23036 OF 2013

Vasant M. Risbud (since deceased by. L.R.& ors.)	.. Applicants
vs.	
Sharad M. Risbud (since deceased by. L.R.& ors.)	.. Respondents

Mr.I. R. Kulkarni for the Applicants.
Mr. Sachin Pawar for the Respondents.

CORAM : M. S. SONAK, J.
DATE : 25 AUGUST 2015.

P.C. :-

1] This is an application for restoration of Civil Revision Application (St) No. 23036 of 2013.

2] The Civil Revision Application was dismissed by a self operating order dated 12 February 2014, as the applicants failed to clear the office objection within the prescribed period.

3] The restoration has been applied for, no sooner, the applicants were obtained the knowledge about the issuance of warrant of possession.

4] The learned counsel for the respondents submits that in the execution proceedings at least three adjournments were applied for on the ground of pendency of Civil Revision Application. Even this application for restoration was in fact filed on 28 January 2015, but no steps were taken to move the same and obtain restoration.

5] Considering the aforesaid circumstances, though one more opportunity can be granted to the applicants, the same shall be subject to deposit of costs of Rs.15000/- within a period of two weeks from today.

6] Accordingly, the Civil Application is made absolute in terms of prayer clauses (a) and (b). The delay of one year and forty five days is condoned. All this is subject to the applicants depositing in this Court costs of Rs.15000/- latest by 11 September 2015. If the costs are not deposited, then the Civil Revision Application shall stand dismissed without any further reference to this Court.

7] If, however, the costs are deposited by 11 September 2015, then place the Civil Revision Application for admission on 15 September 2015 on the supplementary board.

8] Civil Revision Application (St.) No. 23036 of 2013 shall be placed on the board, irrespective of whether the objections are cleared or not. Further, upto 15 September 2015, the eviction decree which is impugned in the Civil Revision Application shall not be executed. The applicants to also file Undertaking in this Court within a period of one week from today that they continues to be in possession of suit premises and that they have not created or shall not create any third party rights therein or part with the possession thereof.

9] Once the costs are deposited, the respondents are entitled to withdraw the costs unconditionally.

10] Civil Application is disposed of in the aforesaid terms.

(M. S. SONAK, J.)

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