

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.140 OF 2003
IN
FIRST APPEAL NO.341 OF 1998

Rathinder Madhavdas Mody ... Appellant
vs.
M/s. Crown Builders and Another ... Respondents

Ms. Tejas Kapre i/b. Mr. Sanjay Kshirsagar, for the Appellant.
None for the Respondents.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **16th DECEMBER, 2015**

P.C.:

. The application for restoration is pending since 2003 on the file. It appears that Respondent No. 1 was not served as his address was not found. It is pointed out that it is served by publication dated 22nd July, 2014. The service on Respondent No. 1 is now shown. The learned counsel for the Appellant submits that, the conditional order dated 19th March, 2002 passed by the Registrar(Jud.) is to be set aside and Appeal be restored.

2. It appears that the order was passed before issuing the notice to the Respondents. Therefore, the order passed by the Registrar (Jud.) is hereby set aside.

3. In view of the order passed in Writ Petition(L) No. 228 of 2012 in the case of “*Vikas Baburao Sonawane vs. State of Maharashtra and Others*” the application for Restoration is to be treated as Review Petition.

4. The value pertains in this Appeal is below one Crore. Therefore, the Registry is hereby directed to transfer this matter to the District Court, Pune on or before 8th January, 2016. The parties to appears before the learned Judge of the District Court, Pune to whom the matter is assigned on 19th January, 2016 at 11.00 am.

5. Accordingly, the First Appeal as well as Civil Application stands disposed of.

(MRS.MRIDULA BHATKAR, J.)