

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

***CIVIL APPLICATION NO. 2158 OF 2014.
Along with
CIVIL APPLICATION NO. 2159 OF 2014.
IN
WRIT PETITION NO. 2667 OF 2007***

Mrs.Kusum Yogeshchandra Shah & anr. .. Applicants
Vs
Rajnikant Vallabhdas Shah & anr. .. Respondents.

Mr.J.J.Thakkar, for Applicants, in both the Civil Applications.
Mr.Siddesh Pilankar i/b Mr.Uday Warunjikar, for Respondent Nos.1
and 2.

***CORAM: N.M.Jamdar, J.
Saturday 18 April, 2015***

PC :

Heard learned counsel for the parties. Perused the reply filed by the Respondent No.1.

2 The petition was dismissed for default on 3 December 2013. Thereafter these applications for restoration and condonation of delay are taken out. Adequate reasons have been set out in the applications as to why there was a delay in making an application for restoration. Though various contentions are raised in the reply, I do not think that this is a case where no indulgence deserves to be granted to the Applicants. Prejudice to the Respondents can be off-set in terms of money. Accordingly, the applications are allowed in

terms of prayer clause (a) subject to the Applicants paying costs of Rs.5,000/- to the Respondent No.1 within two weeks. It is made clear that when the Writ Petition is taken out for hearing, no adjournment at the instance of Petitioners will be granted.

Place copy of this order on the record of the Writ Petition.

(N.M.Jamdar, J.)