

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3397 OF 2014
IN
FIRST APPEAL NO. 328 OF 2001

Raju G.Sherigar,
Since deceased, through his legal heirs & Ors. Applicants

VERSUS

Vaishali Laxman Korgaonkar Respondent

Ms.Jaya Bagwe for the Applicants.

Mr.C.G.Gavnekar for the Respondent.

CORAM : R.D. DHANUKA, J.

DATED : 9th FEBRUARY, 2015

P.C.

By this civil application, the applicant seeks recall of the order dated 3rd September, 2014 passed by this court rejecting the First Appeal No.328 of 2001 for default.

2. On 3rd September, 2014, First Appeal No.328 of 2001 alongwith Cross Objection (St) No.46274 of 2002 were on board and both were heard together. None appeared for the applicant. Since the first appeal and the cross objection were arising out of the same order, this court though rejected the first appeal for default, heard the cross objection on merits and has allowed the said cross objection. In my view this civil application thus for setting aside the order in so far as the first appeal is concerned is not maintainable. Civil application is accordingly rejected.

3. At the request of the learned counsel for the applicant, execution of the order dated 3rd September, 2014 is stayed for a period of eight weeks from today.

[R.D. DHANUKA, J.]