

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.240 OF 2014
IN
CIVIL APPLICATION NO.494 OF 2011
IN
CIVIL REVISION APPLICATION (ST.) NO.23946 OF 2011
IN
APPEAL NO.285 OF 2006
IN
R.A.E. SUIT NO.189/325 OF 1999

Uday Damodar Shah.] ... Applicant

In the matter between :

Uday Damodar Shah.] ... Applicant/
(Org. Plaintiff)

Versus

1. All heirs and legal representatives of]
late Vaman Narayan Naware,]
2. Mrs. Kunda Mohan Dhopeswarkar.] ... Respondents

Mr. Durgaprasad Sabnis for Applicant/Org. Plaintiff.

CORAM :- M. S. SONAK, J.
DATE :- JUNE 29, 2015

P. C. :-

1. Mr. Sabnis, learned Counsel for Applicant, states that service has been completed upon the Respondents and that Affidavit of service will be filed by tomorrow.

2. The Civil Application seeking condonation of delay of 31 days in instituting the Civil Revision Application came to be dismissed for non-prosecution on 23/07/2012. There is now delay of 591 days in seeking recall of the said order. The reason set out is that the Advocate who was engaged to appear in the matter has since quit practice and the Applicant was not informed about the dismissal of the Civil Application for non-prosecution.

3. In view of such averments, delay is condoned and the order dated 23/03/2012 is recalled subject to payment of costs of Rs.5,000/- (Rupees Five Thousand Only) by the Applicant. The costs to be deposited in this Court within a period of two weeks from today. Civil Application is made absolute in terms of prayer clauses (a) and (b), subject to costs as aforesaid.

4. Civil Application No.239 of 2014 be placed for directions on 21/07/2015 (on supplementary board). The Applicant is at liberty to once again serve the Respondents.

5. Civil Application No.240 of 2014 is disposed of accordingly.

(M. S. SONAK, J.)