

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4067 OF 2015
IN
FIRST APPEAL NO.1621 OF 2012

Jitendra Baban Ubhe & anr.

... Applicants

Vs.

M/s.Vyankateshwar Gaikwad Real
Estate Pvt. Ltd. & Ors.

... Respondents

Mr.B.G. Ligade i/b D.S. Patil for the Applicants

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

DATE: **4th DECEMBER, 2015**

P.C.:

1. Not on Board. Upon mentioning, taken on Board.
2. This application is moved for restoration of the First Appeal No.1621 of 2012 to its file by setting aside the order dated 17.2.2015 passed by the Registrar (Judicial). This First Appeal is valued for less than Rs.1 crore and, therefore, this First Appeal stands transferred to the District Court, Pune. However, as it was dismissed, the civil application is moved for restoration in view of the judgment dated 6.2.2012 passed in **Writ Petition (L) No.228 of 2012** in the case of **Vikas Baburao Sonawane vs. State of Maharashtra & Ors.**, the Division Bench of this Court at the time of dealing with the same issue after the amendment in respect of enhancement of pecuniary jurisdiction of the District Court, has held that

such restoration application will have to be treated as application for review and thereafter to be moved before the High Court and if application is allowed, the first appeal shall stand revived and will immediately stand transferred to the concerned District Court.

3. In view of this, the restoration application is treated as review application. The order of the Registrar (Judicial) dated 17.2.2015 is recalled. The appeal is restored to its original file.

4. Registrar (Judicial) is directed to send the papers in this matter to the concerned District Court, Pune on or before 18.12.2015 and the parties shall appear before the concerned District Judge on 12.1.2016 at 11am.

5. The appeal and the Civil Application stand disposed of as transferred.

(MRIDULA BHATKAR, J.)