

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

***CIVIL APPLICATION NO. 797 OF 2012
IN
SECOND APPEAL NO. 730 OF 2000***

Vijay Keru Kasar & anr.

... Applicants

v/s

Mohanlal Manikchand Binakia

... Respondent

Mr.Santaram Taral for the applicants.

Mr.Pravin Dubade for Resp. Nos.5 and 6A.

Mr.Dilip Bodake for Resp. No.7.

Coram: N.M. Jamdar, J.

Dated: 29 July, 2016

P.C.:

The application is filed for restoration of the second appeal which was dismissed for non-prosecution of Bhatta charges. Perused the application. Sufficient cause is made out. The objection which was taken, non-payment of Bhatta charges, need not have warranted dismissal of the entire appeal.

2 The civil application is accordingly allowed in terms of prayer

clauses (a) and (b).

3 As far as the other prayers regarding interim relief, it is open to the Applicant to take out appropriate application in view of the submission of the learned counsel for Respondent No.7 that now during the period when the appeal stood dismissed a sale deed has been executed in his favour. Learned counsel for the Applicants submits that the Applicants are still in possession and the suit challenging the said sale deed is already filed.

4 Parties will maintain status-quo for a period of six weeks.

(N. M. Jamdar, J.)