

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4353 OF 2016
IN
FIRST APPEAL NO.1903 OF 2007
IN
SUIT NO.1080 OF 1963

Dinesh Manubhai Shah & Ors.	 Applicants
V/s.	
Vasuben Anubhai Shah (Since Deceased), Through Nikhil Anubhai Shah & Ors.	 Respondents

Mr. R.D. Vora for the Applicants.

Mr. Ketan Parekh for Respondent Nos.8 to 17.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 5TH OCTOBER 2016.

P.C. :

1. Heard learned counsels for the parties.
2. This Civil Application is preferred to set aside order dated 18th June 2015, under which First Appeal No.1903 of 2007 came to be dismissed in view of the conditional order passed by this Court.
3. It is submitted by learned counsel for the applicants that this matter is likely to be settled between the parties; however, unless this order of dismissal of the First Appeal is set aside, Consent Terms cannot be filed.

4. In view thereof, for the reasons stated in paragraph Nos.2 and 3 of this Civil Application, it is allowed in terms of prayer clause (a).
5. The earlier order of dismissal of First Appeal No.1903 of 2007, for non-compliance of office objections, passed on 18th June 2015 is set aside. First Appeal No.1903 of 2007 is restored to its original file.
6. Civil Application is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]