

Sequeira

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

*CIVIL APPLICATION NO. 64 OF 2016
(For restoration)
IN
R.C. NO. 700 OF 2015*

Mr.Dattatraya Sitaram Pawar & anr. ... Applicants /
Appellants
V/s.

Mrs.Vasanti Dattatraya Jadhav & anr. ... Respondents.

Mr.Harshad Shingnapur i/b Mr.Amit Borkar, for the Applicants.
None for Respondents.

*Coram : N.M. Jamdar, J.
Thursday 23 June, 2016.*

P.C. :-

Not on Board. Taken on Production Board.

2. The Civil Application is taken up for production as learned counsel for the Applicants states that possession warrant is issued. The Appeal was dismissed for non-removal of office objections as far back as 18 February 2015. Till the stage of possession warrant is issued no efforts were made to restore the Appeal. However, this being entirely the fault of the advocate, the Appellants should not suffer, which they would, if the Appeal is not restored and the decree

is executed. The learned counsel for the Applicants states that the Advocate will pay the costs of ₹ 5000 to Kirtikar Law Library within period of two weeks. This undertaking is accepted. Considering the facts and circumstances, the Application is allowed in terms of prayer clause (a), (b) and (c).

2. Place the Appeal on board for 'admission' on 4 July 2016. Till the next date the possession of the Appellants will be protected. The Appellants will give notice to the Respondent of the next date.

(N.M. Jamdar, J.)