

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3241 OF 2014
IN
FIRST APPEAL (STAMP) NO.20295 OF 2012

Dr. Nasiem Alwani	 Applicant
<i>In the matter between</i>	
Badruddin Hasam Khoja	 Appellant
V/s.	
R.C.G. Malleable Casting Industries	
Pvt. Ltd., Sangli & Ors.	 Respondents

Mr. Sanskar Marathe, i/by Mr. Sahil Mahajan, for the Applicant and Appellant.

Mr. Harshad R. Shingapurkar, i/by Mr. Amit S. Borkar, for Respondent Nos.1.2(1) to 1.2(4) and 2E to 2G.

Ms. Trupti Surve, i/by Ms. Bhagyashree Mahajan, for Respondent Nos.8, 9 and 10.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 22ND SEPTEMBER 2016.

P.C. :

1. Heard learned counsel for the parties.
2. This Civil Application is filed for restoration of First Appeal (Stamp) No.20295 of 2012 on the count that it came to be dismissed for non-removal of the office objections. It is submitted that there is delay of 62

days in filing of the present Civil Application on the ground that the sole appellant has died. Now his legal heirs have filed this Civil Application.

3. In view thereof, the order dated 12th July 2013 passed by the Registrar (Judicial-II), dismissing First Appeal (Stamp) No.20295 of 2012 for non-removal of office objections, is set aside, in the interest of justice, and the said First Appeal (Stamp) No.20295 of 2012, along with Civil Application/s thereto, is restored to its original file.

4. At this stage, it is submitted that, in view of the enhancement of the pecuniary jurisdiction of the District Courts, this First Appeal needs to be heard by the District Court. Office Note is also made to that effect. In view thereof, Registry is directed to send the proceedings of First Appeal (Stamp) No.20295 of 2012, along with Civil Application/s thereto, to the District Court, Sangli.

5. Civil Application is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]