

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3376 OF 2017
IN
FIRST APPEAL NO.343 OF 2016**

Mr. Sanjay Pannalal Nahar

..Applicant

Vs.

Mr. Hiralal Gulabchand Karnawat & ors

..Respondents

Ms T. J. Kapre i/b Mr. J. S. Kapre for the Applicant

Mr. A. A. Vibhute for the Respondent Nos.4, 7 to 9

Mr. Yuvraj Tribuvan i/b Mr. R. N. Sanghvi for the Respondent No.2 & 6

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ**

DATE : 15th DECEMBER, 2017

P.C.

1 The above Civil Application has been filed for restoration of the above First Appeal which has stood dismissed for non prosecution on account of the conditional order dated 26-10-2016 passed by the Learned Registrar Judicial-II of this Court. By the said order the office objections were to be removed within a particular time frame and in default the Appeal was to stand dismissed for non prosecution. It is on account of the default committed by the Appellant in removing the office objections that the said conditional order dated 26-10-2016 became operative resulting in the dismissal of the above First Appeal. The Learned Counsel appearing for the Applicant states that the office objections have now been removed. The above First Appeal has been admitted and it is post the admission of the above Appeal that the same has

stood dismissed for non prosecution. The Learned Counsel Mr. Vibhute appearing for the Respondent Nos.4, 7 to 9 and the Learned Counsel Mr. Tribhuvan appearing for the Respondent Nos.2 and 6 submit to the orders of the Court. The above Civil Application is accordingly allowed resultantly the delay of 53 days in filing the same stand condoned and the First Appeal stands restored to file. If any office objections are remaining to be removed, the same to be removed within 4 weeks from date. The above Civil Application is accordingly disposed of.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]