

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.38 OF 2017
IN
LETTERS PATENT APPEAL NO. 88 OF 2009
IN
FIRST APPEAL NO. 1244 OF 2005

Keshavlal Jairamdas Rajput, Adult (Since deceased)
1 (a) Smt. Champavati wd/o Keshavlal J. Rajput (since deceased) and ors.
versus
Ishwarlal Jairamdas Rajput and ors. ...Respondents

Ms. Revati Rajput i/b. Rajput Vaidya and Associates, advocates for the applicant.
Mr. Amol Kharat i/b. Pillai and Co., advocates for the respondent Nos. 1 to 3.

**CORAM : RANJIT MORE &
SMT.SADHANA JADHAV, JJ.**

DATE : 7th SEPTEMBER, 2017.

P. C. :

The above application is taken out for restoration of the above letters patent appeal.

2. The above letters patent appeal was dismissed in default by the Division Bench of this Court by an order dated 11th November, 2009, as none remained present on behalf of the applicant. However, subsequently, on applicant's motion, it was restored. Thereafter, the above letters patent appeal was placed for admission before the Division

Bench of this Court on 15th June, 2017 when nobody appeared on behalf of the applicant. On the said date, the Division Bench noted that on earlier date also i.e. on 14th June, 2017 nobody appeared on behalf of the applicant and that there have been intermittent default on behalf of the applicant and, therefore, dismissed in default the above letters patent appeal.

3. That apart, we have also gone into the merits of the letters patent appeal, the said appeal is filed against the interim order in the first appeal and, therefore, the same is not maintainable. In the circumstances, the civil application is dismissed.

[SMT. SADHANA JADHAV, J.]

[RANJIT MORE, J.]