

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4150 OF 2016

IN

FIRST APPEAL NO.390 OF 2006

Mrs. Sicily Varghese Kadamthottu ...Applicant/Appellant
vs.

Shri Ramanlal Jayshankar Trivedi (Deceased) & Ors. ...Respondents

....

Mr. Mayur Khandeparkar, a/w. Mr. Nilesh Gala and Arun Panickar, for
the Applicant.

.....

CORAM : S.C. GUPTE, J.

DATED : 17 APRIL 2017

P.C. :

. This Civil Application is for recall of a self-operative dismissal order in the First Appeal passed on account of non-filing of private paper book. There is a substantial delay in taking out the Civil Application. The appeal was admitted on 6 March 2006. By the same self-operative order, under which the appeal has come to be dismissed for non-filing of paper book, though the appeal has stood dismissed, the Receiver appointed by the Court as an interim measure has continued without discharge. The application has been duly served on the Respondents. Despite such service, the Respondents are absent. There is no reply to the Civil Application.

2. On these facts and for the reasons stated in the Civil Application, the Civil Application is allowed in terms of prayer clause (a).

The Appellant shall now file a paper book within a period of one week from today. Ad-interim order of Receiver passed on 10 March 2006 shall continue to operate during the pendency of the First Appeal.

(S.C. GUPTE, J.)