

Sequeira

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

*CIVIL APPLICATION NO. 1805 OF 2016
in
SECOND APPEAL (St.) No. 9160 OF 2014*

Sou.Gourabai Somanna Handebar & anr. .. Applicants / Appellants.

Vs

Vijaykumar Kamanna Handebar .. Respondent.

Mr.Ranjeet Patil, for Applicants in Civil Application No.1805 of 2016.

Ms.Manjiri Parasnis, for the Respondent.

Coram : N.M.Jamdar, J.

Date : 7 April 2017.

P.C. :

This Application is taken out by Respondents in Second Appeal (Stamp) No.9160 of 2014 for review of the order dated 1 July 2016 in Civil Application No.678 of 2016 . By order under Review, the order dated 14 November 2014 dismissing the Appeal for default was recalled.

2. The learned counsel for the Appellant submitted that in the order dated 1 July 2016 there is no mention of delay of four months in taking out the said Civil Application. The order dated 1 July 2016 clearly indicates that the Court had considered the equities of the

matter and that Advocate for the Appellant had tendered an unconditional apology and in view of that position, the Application was allowed and Second Appeal was restored. The commitment on the part of the Appellant not to seek adjournment was also taken. This order was passed after taking into consideration the averments made in the Application as well as cogent reasons given for the delay. In these circumstances, I do not find any reason to recall the order dated 1 July 2016. The order simply restored the Appeal which was dismissed for default. There is no reason to entertain the Application as well as the Review Petition (Stamp) No.29304 of 2016.

3. Civil Application No.1805 of 2016 is accordingly disposed of along with Review Petition(Stamp) No.29304 of 2016.

(N.M.Jamdar, J.)