

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1288 OF 2017
IN
APPEAL (L) NO.18 OF 2017**

Jitendra Krishnalal Shah

..Applicant

Vs.

Panna Surendra Mehta & Anr

..Respondents

Mr. Pramod Bhosale i/b Ms Kavita Shinde for the Applicant

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL, JJ
DATE : 10th NOVEMBER, 2017**

P.C.

1 The above Notice of Motion has been filed for restoration of the Appeal as well as the Notice of Motion filed therein. The Appeal has stood dismissed for non prosecution on account of the conditional order dated 2-3-2017 passed by the Learned Prothonotary and Senior Master of this Court which mandated the removal of objections within a particular time frame, in view of the order not being complied with, the conditional order became operative resulting in the dismissal of the above Appeal. Since the Appeal has stood dismissed on account of a technical reason, it would be just and proper to allow the above Notice of Motion so that the Appeal could be restored and the Appellant can then pursue the Appeal on merits. The above Notice of Motion is accordingly allowed in terms of prayer clauses (a) and (b), resultantly the Appeal stands restored to file. The Appellant to remove office

objections within 3 weeks from date, if not already removed, failing which the Appeal would again stand dismissed for non prosecution without further reference to the Court. The above Notice of Motion is accordingly disposed of.

[SARANG V KOTWAL, J]

[R.M.SAVANT, J]