

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No. 1342 OF 2015
IN
APPEAL (L) No. 432 OF 2015

Bashir I. Motiwala ... Applicant / Appellant
Vs.
The Bombay Dying & MFG. Co. Ltd.... Respondents

None for the Applicant / Appellant.

Ms. Jyoti Sinha a/w Rahul Sabne i/b Negandh Shah & Himayatullah,
for Respondents.

CORAM : V. M. KANADE, &
C. V. BHADANG, JJ.

DATE : MARCH 27, 2017

PC.

1. None appears on behalf of the Applicant / Appellant. This motion is taken out for condoning the delay of 3190 days in filing the appeal.

2. We are informed by the learned counsel appearing for the Respondents that the appeal has actually become infructuous since an exparte decree, which was passed by the learned Single Judge has

been set aside in an application filed by the Defendant under O. 9, R. 13 Civil Procedure Code and an appeal filed by the Respondents has also been dismissed. Since the exparte decree has been set aside, this appeal does not survive. Therefore, notice of motion taken out for condoning the delay caused in filing the appeal also does not survive. Notice of motion, as also the appeal are accordingly disposed of.

Sd/-
[C. V. BHADANG, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath