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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.832 OF 2017
IN
APPEAL FROM ORDER NO.889 OF 2015**

Rajkumar Ramchandra Wadhwani and
ors

... Applicants.

V/s.

Prakash Nara and ors

... Respondents

Mr. Dushyant S. Pagare, for Pagare, for the
applicants.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 16th OCTOBER, 2018.

P.C. :

1] Heard learned counsel for the applicant.

2] This is an application for restoration of Appeal from Order, which came to be dismissed for default on the part of appellant and his advocate to remain present.

3] The said order was passed on 28th February, 2017. There is delay of 20 days in filing this application. Moreover, the reason given is also not sufficient and convincing. Conversely, it is a matter of record that the appeal was preferred against the order dated 19.9.2014, passed by the trial Court, restraining the appellant from creating third party interest in the suit property, till decision of the suit. The suit before the trial Court is filed in the year 2012. Hence,

instead of entering into the merits of the order, it would be just and proper to direct the trial Court to decide the suit especially when no sufficient reason is made out for condonation of delay and for restoration of the appeal.

4] This application, therefore, stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]