

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1772 OF 2018
IN
FIRST APPEAL NO.1013 OF 2009

Vijay Madhukar Kolwankar and Ors. ..Appellants

vs.

Chandratray Dattatray Lad (Deceased) through
LRS.1A Mrs. Pallavi Rakesh Barde and ...Respondent

Ms. Rohini Wagh a/w Ms. Kiran Bhadane for the Appellants.

Mr. J.S. Kini i/b Mr. Suresh Dubey for Respondent Nos.1A to 1(F) and 2.

CORAM : V. M. DESHPANDE, J.

DATE : 21st JUNE, 2018

P.C.:

. Not on board. Taken on board.

2. This application is for restoration of first appeal which was dismissed for want of prosecution. Heard Ms.Wagh, learned counsel for the appellants and Mr. Kini, learned counsel for the Respondents, who strongly opposed the application for restoration. However, for the reasons recorded in the application, application is allowed subject to payment of cost of Rs.5,000/- to the Respondents within a period of 3 weeks from today.

3. The applicants shall deposit cost of Rs.1,000/- p.m. on or before 15th day of every month before this Court. On such deposit the respondents shall be entitled to withdraw the said deposit without moving

any application or without giving any security for the same. After period of 6 months, the respondents will be at liberty to move an application for enhancement of the said amount.

4. With this application is disposed of. Needless to mention that ad-interim order in favour of appellant to remain in operation. Put this matter on 26/11/2018 for final hearing.

(V. M. DESHPANDE, J)