

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 272 OF 2017
IN
CIVIL APPLICATION No. 2135 OF 2016
IN
CIVIL APPLICATION No. 119 OF 2016
IN
REVIEW PETITION No. 93 of 2016
IN
WRIT PETITION No. 10260 of 2013

Madhu Lautan Devre.

..Applicant.

Versus

Raju Anand and Others.

..Respondents.

Mr. Palok Basu, Senior advocate with Shivram Pandey i/b Arun Upadhyay for the Applicant.

Mr. Tejas Shah for the Respondent no.1.

Coram : RANJIT MORE, J.

Date : **April 6, 2018.**

P. C. :

1. Heard learned Senior Counsel appearing on behalf of the Applicant and learned Counsel for Respondent no.1. This civil application is filed for restoration of two civil applications and one review petition, namely, Civil Application Nos. 119 of 2016 and 2135 of 2016 and Review Petition (stamp) No. 7913 of 2016.

2. The Applicant filed suit under section 6 of the Specific Relief Act, 1963 before the City Civil Court at Bombay. The said suit was dismissed for default. The Applicant thereafter filed notice of motion before the City Civil Court Bombay for recall of that order and for

restoration of the suit. Pertinently, the motion itself was filed after 8 years, 1 month and 15 days. Therefore, trial Court dismissed this notice of motion. This order passed in notice of motion was challenged before this Court by filing Writ Petition No. 10260 of 2013. The learned Single Judge of this Court by the order dated 24th February 2014 dismissed the writ petition on the ground that there is no reasonable explanation to condone the delay which had occurred in taking out the notice of motion for restoration of suit. The Applicant thereafter filed review petition along with an application for condonation of delay which had occurred in filing the review petition, namely Review Petition (st.) No. 7913 of 2016 and Civil Application No.119 of 2016. Both, the civil application as well as the review petition came to be dismissed for default on 1st July 2016.

3. The Applicant thereafter filed civil application, namely Civil Application No.2135 of 2016 for restoration of the above referred civil application and review petition. This application came to be dismissed for default and thereafter present civil application is filed for restoration of Civil Application Nos.119 of 2016 and 2135 of 2016 along with Review Petition st. No. 7913 of 2016.

4. Having heard learned Counsel appearing for the respective parties and having gone through the civil application I do not

find any explanation for the absence of the Applicant or his advocate on the date on which the above civil application was listed before this Court.

5. As it may be so, it is pertinent to note that the order passed in Writ Petition No.10260 of 2013 was challenged by the Applicant by filing Special Leave Petition in the Supreme Court. This SLP was dismissed. The Applicant thereafter filed curative petition which was also dismissed. In the circumstances, I am not inclined to entertain the present civil application and the same is accordingly dismissed.

[RANJIT MORE, J.]