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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 352 OF 2018
IN
CIVIL APPLICATION (STAMP) NO. 10512 OF 2018
IN
APPEAL FROM ORDER (STAMP) NO. 10511 OF 2018**

Vijay Chandrashekharan Nadar .. Applicant
Vs.
The Municipal Corporation of Gr. Mumbai .. Respondent

Mr. R. D. Suryawanshi I/b Kharwar & Associate for the Applicant.
Mrs. Manisha Bhoir for the Respondent-BMC.

CORAM : K. K. SONAWANE, J.
DATE : 2nd AUGUST, 2018.

P. C. :

1. Heard learned Counsel for the applicant. Perused application.
2. This Court (Coram : V. M. Deshpande, J.) under Order dated 28.06,2018 dismissed appeal for want of prosecution. Learned Counsel for the appellant-applicant submits that due to unavoidable circumstances, the appellant could not attend the proceeding resulting into dismissal of the appeal. He requested to restore the proceeding to its original stage.
3. In view of submission and the reasons mentioned in the application, there is no impediment to restore the proceeding at its original stage. The matter is pertaining to immovable property and in case the application is not allowed, the applicant may be prevented from getting substantial justice into the matter. Hence, the application stands allowed in terms of

prayer clause (a).

4. The proceeding of the Appeal from Order (Stamp) No. 10511 of 2018 be restored to its original stage. The impugned order passed by this Court (Coram : V. M. Deshpande, J.) dated 28.06.2018 is hereby recalled. The Registry to take further steps to restore the proceeding to its original stage.

5. Accordingly, the Civil Application stands disposed of.

Arjun
Machhindra
Kadam

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[K. K. SONAWANE, J.]