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

**CIVIL APPLICATION NO.921 OF 2015
IN
APPEAL FROM ORDER NO.704 OF 2012**

Sterling Auxiliaries Pvt.Ltd. ... Applicant
V/s.
Mr. D.S. Sanghvi and ors ... Respondents

Ms. Kirti Purohit h/f Adv. Savita Randne i/by M. K.
Jain, for the applicant.
Mr. D.M. Vyas, i/by Ramesh Makhija & Co., for
respondent No.2.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st OCTOBER, 2018.

P.C. :

1] This application is preferred for restoration of the appeal, which came to be dismissed for default, for non compliance of the office objections on 7.5.2013, by condoning the delay of one year and 27 days. As per the order passed by this Court, in this Application on 17.6.2015, the appellant/applicant was directed to pay costs of Rs.5,000/- or to deposit the same in the Maharashtra State Legal Services Authority, High Court, Bombay, within two weeks from the date of the order. The appellant failed to comply with the said order, hence one week's extension was granted to the appellant, as per order dated 6.7.2015. Thereafter the appellant has deposited the amount of

Rs.5,000/- on 8.7.2015.

3] Considering that the appeal is of the year 2012 and it is against the order by which Notice of Motion for restoration of the suit came to dismissed for want of prosecution and the suit was of the year 2007, it clearly spells out total negligence on the part of the appellant.

4] In view thereof, no reasons are made out to allow this application for restoration of the appeal. Application, therefore, stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]