

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

**CIVIL APPLICATION NO. 837 OF 2018
IN
APPEAL FROM ORDER NO. 928 OF 2015**

Mahalaxmi Mitra Mandal	...	Applicant
V/s.		
Smt.Shyam Rati Veer Bahadur Ray & Ors.	...	Respondents

- Mr.Ashok Kumar Mishra for the Applicant.
- Mr.Shankar P. Thorat for Respondent No.7.
- Mrs.Madhuri More for Respondent No.8.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 15th OCTOBER, 2018.

P.C. :

1] Heard learned counsel for both the parties.

2] This is an application for restoration of the Appeal from Order, which came to be dismissed for default on 13th August, 2018. A specific observation is recorded by this Court that the learned counsel for the Appellant makes a statement that, he has attempted to contact his client at least three occasions, but has not been successful. In such circumstances, a statement is made by learned counsel for the Appellant that, it is possible that the Appellant is no longer interested

in pursuing this Appeal. Therefore, taking into consideration that, the Appeal is of the year 2015, it could not be adjourned and therefore, it came to be dismissed for default.

3] I have also taken into consideration the fact that, the Appeal is against the refusal of the ad-interim relief and the said order was passed on 12/06/2014, the Notice of Motion is yet pending before the trial Court.

4] In view thereof, no case is made out at all for restoration of the Appeal from order, which came to be rightly dismissed for default.

5] The Civil Application therefore stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]