

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

**CIVIL APPLICATION NO. 866 OF 2018
IN
R.C. NO. 875 OF 2015**

Jayant Rambhai Patel	...	Applicant
V/s.		
M/s.Gawde and Associates & Ors.	...	Respondents

- Ms.Priti S. Shah for the Applicant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 15th OCTOBER, 2018.

P.C. :

1] This is an application for setting aside the order of dismissal of the Appeal, which came to be dismissed for non removal of the Office objections. The said order came to be passed on 23rd June, 2015. Therefore, already there is delay of more than three year and 46 days in filing this application.

2] Moreover, it can be seen that the impugned order of the trial Court, which is challenged in this Appeal, is 17th October, 2014, by which the Notice of Motion filed by the Appellant came to be dismissed. During the pendency of the Appeal or during the pendency

of this application also, no interim relief was granted. Hence, as the suit before the trial Court is also pending, it would be proper, if the Appellant goes before the trial Court and the trial Court proceed with the hearing of the suit.

3] Hence, the Civil Application stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]