

pmw

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE
NOTICE OF MOTION NO.3377 OF 2009
IN
APPEAL NO.683 OF 2007

Shehandi Iqbal Ali Abdul Rajak ... Appellant
Vs.
Vasanti Kotian ... Respondent

Mr. Gauraj Shah a/w Ms. Ankita Upadhyay i/b. Mishra & Co. for the Applicant.

CORAM : A.S.OKA AND M.S. SONAK, JJ.

DATE : 30th AUGUST 2018.

P.C. :

Not on board. Taken on board.

1 The learned counsel appearing for the applicant (original appellant) states that a notice of today's application has been served both to the respondent and advocate for respondent. He tenders affidavit of service on record.

2 The appeal preferred by the applicant was admitted on 27th February 2008. On 18th August 2009 when the appeal was called out, as the advocate for the applicant did not appear, the same was dismissed for non-prosecution. The present notice of motion has been filed on 16th September 2009 within 30 days of the date of dismissal of the appeal.

3 In paragraph 4 of the affidavit in support, the reasons for absence of the advocate for the applicant have been set out.

4 Accordingly, a case is made out for restoration of the appeal. Accordingly, notice of motion is made absolute in terms of prayer clause (a). Interim relief granted on 27th February 2008 also stands restored.

(M.S. SONAK, J.)

(A.S.OKA, J.)