

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 93 OF 2019

IN

CIVIL APPLICATION NO. 1934 OF 2016

IN

SECOND APPEAL NO. 406 OF 2015

ALONGWITH

CIVIL APPLICATION NO. 94 OF 2019

IN

CIVIL APPLICATION NO. 1934 OF 2016

IN

SECOND APPEAL NO. 406 OF 2015

Pandurang Ramchandra SuryavanshiApplicant
V/s.

M/s. BAMB Associates (through)
Partner Shri. Prashant Ishwardas BambRespondent

* * * *

Ms. Komal Gosavi i/by. Ms. JJ Associates, Advocate for the
applicant.

Mr. V.R. Kasle i/by. Ram & Co., Advocate for the respondent.

CORAM : SANDEEP K. SHINDE, J.

Friday, 12th April, 2019.

P.C. :

1. This Appeal is preferred by the original defendant

no.1 against the money decree passed in Civil Appeal No. 470 of 2013.

2. The Second Appeal has been admitted on 25th June, 2015 subject to deposit of 50% of the decretal sum, and on furnishing, solvent surety for the balance amount to the satisfaction of the trial Court.

3. The applicant being decree-holder had applied for withdrawal of the amount, vide Civil Application No. 1934 of 2016. Since the applicant did not comply with the office objections, in view of the self-operative order dated 4th April, 2018, Civil Application No. 1934 of 2016 was dismissed. The applicant is seeking restoration of the said Civil Application vide Civil Application No. 94 of 2019. Another application i.e. Civil Application No.93 of 2019 is filed for condonation of delay caused in preferring the application for restoration.

4. Heard learned Counsel for the parties.

5. The Counsel for the applicant, on instructions, undertakes to remove all office objections within three weeks from today. The Undertaking is accepted.

6. Subject to Undertaking, both the Civil Applications are allowed.

7. In this view of the matter, order dated 4th April, 2018 passed by the Registrar (Judicial -II) is recalled and Civil Application No. 1934 of 2016 is restored to the file. Delay is condoned.

8. If the office objections are not removed within three weeks from today, Civil Application No. 1934 of 2016 shall stand dismissed without further reference to this Court.

(SANDEEP K. SHINDE, J)