

Anand

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

**CIVIL APPLICATION (L) NO. 5545 OF 2019
(For Restoration)
CIVIL APPLICATION (ST) NO. 32139 OF 2018
IN
FIRST APPEAL (ST) NO. 32137 OF 2018**

Manik Ulhas Kunjir (since deceased) through Lrs. .Applicants

IN THE MATTER BETWEEN

Manik Ulhas Kunjir (since deceased) through Lrs. .Appellants

Vs.

Tukaram Jayram Sonawane & ors. .Respondents

Mr. S. A. Vaidya, Advocate, for the Applicants / Appellants
Mr. S. V. Khaire, Advocate, for the Respondent No. 2

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.**

DATE : 26.02.2019

P.C.

. Prayer by Original Appellants / Applicants is to restore
C. A. (St.) No. 32139 of 2018 in F. A. (St.) No. 32137 of 2018
dismissed for non-compliance of orders dated 17.12.2018 on
25.01.2019.

2. Learned counsel appearing for Respondent No. 2 – Namdev Sonawane submits that interim order granted on 19.11.2018 was not continued after 17.12.2018.

3. It is not in dispute that Respondent No. 1 – Tukaram Sonawane had already expired and Respondent No. 2 – Namdev Sonawane is his legal heir. Respondent No. 3 – Developer had not appeared in First Appeal at any point of time.

4. In this situation, considering the Application which is supported by proper Affidavit, we restore C. A. (St.) No. 32139 of 2018 in F. A. (St.) No. 32137 of 2018 back to file and direct Applicants to remove all office objections within three weeks. If the office objections are not removed, C. A. (St.) No. 32139 of 2018 in F. A. (St.) No. 32137 of 2018 shall stand dismissed automatically without reference to Court with costs of Rs.10,000/- payable to Respondent No. 2.

5. As the interim order was earlier granted and dispute is

in relation to possession of immovable property, we direct parties to maintain status-quo as on today till next date. Respondent No. 2 is given liberty to apply for vacation of this order.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)