

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

**CIVIL APPLICATION NO. 498 OF 2019
IN
SECOND APPEAL NO. 161 OF 2014**

Dattatraya Balbhim Bandgar

...Appellant

vs.

Nalu Dattatraya Bandgar

...Respondent

Mr. Tejas Dande with Bharat Gadhani with Vaibhav Kulkarni i/b. Tejas Dande & Associates for Appellant.

CORAM : S.C. GUPTE, J.

DATE : 26 NOVEMBER 2019

P.C. :

This civil application seeks stay of the impugned order. The second appeal, wherein the impugned order has been challenged, was admitted. There was earlier an interim stay conditional upon filing of paper book within a period of one year. Since the Appellant did not file paper book within one year, the stay came to be vacated and the appeal was dismissed. The appeal has been subsequently restored on the application of the Appellant. The Appellant now applies for restoration of the stay order during the pendency of the appeal.

2 It is submitted that paper book now has been filed in compliance with the original conditions laid down by this court. Learned Counsel submits that continuation of the original stay was not applied for when the appeal was restored, since the Appellant was under an impression that there would be an automatic restoration of stay once the appeal was restored.

3 The civil application has been duly served on the Respondent. The Respondent, however, is not present. There is no reply to the civil application either.

4 In the premises, the civil application is allowed in terms of prayer clause (a). The appeal to come up in due course.

(S.C. GUPTE, J.)

Sanskruti
A.
Thakur

Digitally signed
by Sanskruti A.
Thakur
Date:
2019.12.02
10:36:56
+0530