

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1153 OF 2018
IN
REJECTED CASE NO. 1803 OF 2011

Parwati Shivaji More. ..Applicant.

v/s.

Madhukar Kuber Bhosale & ors. ..Respondents.

Mr. V.S. Talkute i/b. Mr. Raju Yamgar, advocate for applicant.
Mr. Avinash Avhad, advocate for respondent.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : DECEMBER 19, 2019.

P. C. :

1 This is an application seeking restoration of the second appeal which was dismissed for want of prosecution by the Registrar (Judicial I) vide order dated 5/10/2011. There is delay of 5 years and 289 days in filing the present application seeking restoration. For the reasons assigned in paragraphs- 9, 10 and 11, application seeking restoration deserves to be allowed upon imposing cost of Rs. 25,000/-. The application is allowed on the following terms. The parties shall pay a cost of Rs. 25,000/-. The same be remitted to Nargis Dutta Memorial Cancer Hospital at Barshi. The amount be deposited within 8 weeks. Learned Counsel shall furnish receipt on record, failing which Second

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Appeal shall stand dismissed for want of prosecution.

2 Time to remove office objection is granted by way of last chance for 4 weeks, failing which the second appeal shall stand dismissed for want of prosecution.

3 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]