

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1137 OF 2019
ALONG WITH
CIVIL APPLICATION NO. 1138 OF 2019
IN
REJECTED CASE NO. 139 OF 2018***

Vishwas Nivrutti Suryavanshi ... Applicant

Vs

Kum. Rohit Maruti Devkar & Ors. ... Respondents

Mr. Umesh H. Pawar, Advocate for the Applicant.

CORAM : SANDEEP K. SHINDE J.
DATE : September 11th, 2019

P.C. :

1. Applicant seeks to recall order dated 09.06.2017 passed by this Court, whereby Second Appeal (St.) No. 214 of 2017 was dismissed for non removal of the office objections.
2. This application was filed in July 2019, seeking restoration of an appeal.
3. In the suit for partition, applicant/ appellant is a purchaser of undivided share in the property, of one of the family members.

4. Be that, as it may. The applicant undertakes to remove all office objections within two weeks from today. The undertaking is accepted.

5. In view of the undertaking of the applicant, the order dated 09.06.2017 is recalled and appeal is restored to file, subject however to further condition that applicant shall pay costs of Rs. 10,000/- to the Kirtikar Law Library within two weeks from today. Payment of cost is condition precedent. The applicant shall produce a receipt showing the cost has been paid and only thereafter the office shall register the Second Appeal. It is made clear that this Court has not stayed the execution of the impugned decree.

6. In the aforesaid terms, both Civil Applications are allowed and disposed of accordingly.

(SANDEEP K. SHINDE, J.)