

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION STAMP NO.26507 OF 2019

Mr. Ajay Dineshbhai Vaghani & Ors.

..Petitioners

Versus

J. M. Financial Asset Reconstruction Co. Ltd.

& Ors.

..Respondents

Dr. Birendra Saraf i/by VoxLaw Advocates & Solicitors, for the
Petitioners.

Mr. Rohit Gupta a/w Mr. Nikhil Rajani & Ms. Jyoti Sanap i/by M/s. V.
Deshpande & Co., Advocates for Respondent No.1.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.

DATE : 12th DECEMBER, 2019

P.C.

1] Challenge in the Writ Petition is to the order dated
11.07.2019 dismissing Appeal No.88 of 2011 reasoning that the
counsel for the Appellant has not shown any interest in prosecuting
the Appeal.

2] We have perused the orders passed in the Appeal filed by
the Petitioners against the decree dated 18.01.2011 passed passed by
DRT Ahmedabad in Original Application No.188 of 2001. There was
a delay of 5 days in filing an Appeal which was condoned on
27.04.2011. The orders passed thereafter would show the reasons for
the adjournments not being attributable to the counsel for the
Petitioners.

3] We do not want to comment upon the orders passed from time to time.

4] Regretfully the Appeal filed in the year 2011 came to be deferred from time to time till 11.07.2019.

5] We have already highlighted herein-above the said deferment was not attributable to the Petitioners or their counsel.

6] Thus, we allow the Writ Petition and set aside the impugned order dated 11.07.2019. We restore Appeal No.88 of 2011 along with pending Misc. Applications filed therein which were also dismissed vide order dated 11.07.2019.

7] Counsel for the Petitioners states that the Petitioners would not seek deferment of the hearing of the Appeal when it is listed by the Registrar of learned DRAT for hearing before the bench of DRAT.

8] We bind the Petitioners to the said assurance given by their counsel to us.

9] No costs.

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SMT. BHARATI DANGRE, J

CHIEF JUSTICE