

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1565 OF 2018

IN

REJECTED CASE NO. 2572 OF 2016

IN

SECOND APPEAL (ST) NO. 3228 OF 2016

1. Shri. Sunil Bhanudas Kolekar

and anr.

.....Applicants

V/s.

1. Mrs. Gangabai Bhagwat Kolekar

(decd. Her legal heirs)

1A. Mr. Mahaveer Bhagwat Kolekar

and Ors.

....Respondents

* * * *

Mr. Surel S. Shah, Advocate for the applicant.

Mr. Nandu Pawar, Advocate for respondents no.1A and 3.

CORAM : SANDEEP K. SHINDE, J.

Monday, 7th January, 2019.

P.C. :

1. This is an application for restoration of the Second Appeal which was dismissed for non-removal of office objections.

2. Heard learned Counsel for the parties.

3. Mr. Shah, the learned Counsel for the applicant submits the deficit court fees has already been paid and all

office objections are removed. The statement is accepted. The learned Counsel for the respondent submits that there was a substantial delay of 1 year and 76 days in preferring the appeal for restoration of the Second Appeal and therefore appropriate costs may be awarded. That considering the facts of the case, the applicant is directed to pay Rs.5,000/- cost to Kirtikar Law Library within a period of 2 weeks from today. Subject to payment of costs, the Appeal be restored to file.

4. The Civil Application stands disposed of accordingly.

(SANDEEP K. SHINDE, J)