

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

CIVIL APPLICATION NO.384 OF 2019

IN

REJECTED CASE NO.1342 OF 2014

Laxmi Dinkar Mahar and Ors. ... Applicants
Vs
Anusaya Ganu Maha and Ors. ... Respondents
...
Mr. Vaibhav R. Gaikwad for the Applicants.

CORAM : SANDEEP K. SHINDE J.

DATE : APRIL 5, 2019

P.C. :

Heard the learned counsel for the applicants.

2 In view of the self-operative order dated 23rd July, 2014, the appeal stood dismissed for non-removal of office objections. The appeal was restored to the file on 1st July, 2016 subject to applicants' removing all office objections within four weeks. The applicants did not remove all office objections and thus, appeal again stood dismissed. Applicants thereafter filed Application No.1495 of 2016. On 21st July, 2017 but none appeared for the applicants and thus, Civil Application No.1495 of 2016 was dismissed for default. This

Civil Application No.384 of 2019 is preferred on 1st November, 2018 to recall the order dated 21st July, 2017 and restoration of Civil Application No.1495 of 2016. However, this application has been filed beyond the period of limitation and, therefore, delay caused is sought to be condoned. Another prayer is for restoration of the appeal.

3 The learned counsel for the applicants undertakes that he shall remove all the office objections within two weeks from today. Undertaking is accepted. Subject to undertaking and removal of all office objections, the order dated 21st July, 2017 is recalled. Civil Application No.1495 of 2016 is allowed subject to cost of Rs.10,000/- which the applicants shall pay to Kirtikar Law Library within two weeks from today. The applicants shall produce receipt and only thereafter appeal shall stand restored.

4 Subject to above, Civil Application is allowed in the aforesaid terms.

(SANDEEP K. SHINDE, J.)