

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO.152 OF 2019****IN****R.C. NO. 47 OF 2017**

Rameshchandra Sarju Prasad Gupta

.....Applicant.

Vs.

Ram S/o. Dadaji Gharat & Ors.

.....Respondents.

Mr. Arjun Amanchi for the Applicant.

Ms. Anusha P. Amin for Respondent Nos. 1 to 4 and 7.

CORAM : A. S. GADKARI, J.**DATE : 22nd OCTOBER, 2021.****P.C.:-**

This is an Application for setting aside Order dated 10th January, 2019 passed in Civil Application No.1321 of 2018 which was dismissed for non-compliance of Order dated 3rd December, 2018.

2 By Order dated 3rd December, 2018, passed in Civil Application No.1321 of 2018, the predecessor-in-title of this Court had directed the Applicant to pay costs of Rs.10,000/- within stipulated period for condonation of delay in preferring the Second Appeal. As the said costs were not paid within stipulated period, the said Civil Application No.1321 of 2018 was dismissed on 10th January, 2019 for non-compliance of Order dated 3rd December, 2018.

3 Learned Advocate for the Respondent Nos.1 to 4 and 7 submitted that, the Applicant has now paid the said costs in furtherance of Order dated 3rd December, 2018 and therefore, the Order dated 6th February, 2019 passed in this Application (Civil Application No.152 of 2019) now has been complied with.

4 Learned counsel for the Applicant submitted that, earlier Advocate on record Mr. Navin Tiwari expired due to COVID-19 and because of which there was lapses on the part of the Applicant in pursuing the present matter.

In view thereof, Order dated 10th January, 2019 passed in Civil Application No.1321 of 2018 is recalled and it is noted that, the Order dated 3rd December, 2018 is complied with.

Civil Application is allowed in terms of prayer clause (a).

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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