

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 637 OF 2019****(For Restoration)****WITH****CIVIL APPLICATION (ST.) NO. 11209 OF 2019****(For Delay)****IN****APPEAL FROM ORDER (ST.) NO.10895 OF 2019****WITH****APPEAL FROM ORDER (ST.) NO.10895 OF 2019**

M/s. Rachana Developer,
Through its Partners & Ors.

... Applicants/Appellants

V/s.

Western Agri Food Park Pvt.Ltd. & Ors.

... Respondents

Mr.G.S. Godbole a/w. Mr.Kaustubh Thipsay i/b. Mr.Shon D. Gadgil for
Applicants/Appellants.

Mr.Vishwajeet Sawant, Senior Advocate a/w. Ms.Krushni N. Barfiwala, Mr.Ryan
Sherif i/b. Parinam Law Associates for Respondents.

Mr.Sameer Kulkarni, Director of Western Agri Food Park Pvt. Ltd..

CORAM : A.S. GADKARI, J.

DATE : 6th September 2021.

PC. :

INTERIM APPLICATION NO. 637 OF 2019

(For Restoration)

1. Not on board.

Upon mentioning by Mr.Godbole, learned counsel for the
Applicants/Appellants, taken on board.

2. This is an application for restoration of Civil Application (St.) No.11209 of 2019 and Appeal from Order (St.) No.10895 of 2019, which were dismissed by a self operative Order dated 23rd April 2019 passed by coordinate Bench of this Court i.e. for non removal of Office objections within stipulated period.
3. Mr.Godbole, learned counsel for the Applicants/Appellants submitted that, the Respondents have also filed Appeal from Order No.105 of 2021 impugning the same Order, which is impugned in the present Appeal, and the said Appeal has been disposed off by this Court by a speaking Order today. Therefore, the present Appeal from Order may be restored and disposed off in view of Order passed in Appeal from Order No.105 of 2021.
4. In view thereof, Civil Application (St.) No.11209 of 2019 and Appeal from Order (St.) No.10895 of 2019 are restored to the file.
5. Interim Application No.637 of 2019 is allowed in above terms.

**CIVIL APPLICATION (ST.) NO. 11209 OF 2019
(For Delay)**

1. Heard learned counsel for the respective parties.
2. For the reasons stated in the Application, the delay in filing the Appeal From Order (St.) No. 10895 of 2019 is condoned and the Application is allowed.
3. Rule is accordingly discharged.

APPEAL FROM ORDER (ST.) NO.10895 OF 2019

1. Heard learned counsel for the respective parties.
2. In view of Order passed today in Appeal from Order No.105 of 2021, the present Appeal From Order (St.) No.10895 of 2019 challenging the same impugned Order dated 30th November 2018 passed below Exhibit-5 in Special Civil Suit No. 1159 of 2015 (now numbered as Special Civil Suit No. 54 of 2017) does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]

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