

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

**INTERIM APPLICATION NO. 9 OF 2022
IN
SECOND APPEAL NO. 437 OF 1990
WITH
INTERIM APPLICATION NO.8 OF 2022
IN
CIVIL APPLICATION NO.3835 OF 1990
IN
SECOND APPEAL NO.437 OF 1990**

Maruti Bhima Kamble & Ors.

..Applicants

In the matter between

Bhima Rama Kamble and Ors.

...Appellants.

V/s

Ravalu Ganu Dalvi and Anr.

... Respondents.

Mr. Rushikesh Patil i/by Pradeep D. Dalvi, for the Applicants.

Mr. Harish R. Pawar i/by S. S. Redekar, for the Respondent Nos. 1(a) to 1(h).

CORAM: NITIN W. SAMBRE, J.

DATE: 18th OCTOBER, 2022

P.C.:-

1] This Second Appeal was dismissed on 21/7/2000 by the order of Registrar (Judicial), as office objections in regard to paper book were not removed. This Court vide order dated 15/7/2022 passed on Application No.9 of 2022 ordered restoration of Second Appeal so also

ad-interim relief. As a sequel of above, both i.e. I.A. No.9 of 2022 and I.A. No.8 of 2022 stood disposed of.

2] It appears that after order dated 15/7/2022, matter was again placed before this Court for further orders on I.A. No.9 of 1922 by a detail speaking order. It was noted that time of four weeks granted vide order dated 15/7/2022 passed by this Court (Coram: P.K. Chavan, J.) permitting filing of paper book within four weeks and also decree forms was not complied with. As such, Second Appeal again stood dismissed. On 17/8/2022, on disposed of Application again prayer was made which was accepted by this Court and as such this Court posted the matter on 28/9/2022 by extending period for submission of private paper-book. As the Second Appeal was already dismissed, it was expected of the Appellants to prefer fresh Application for restoration of both, interim relief as well as Second Appeal, which they have not preferred. However, by moving a praecipe, a prayer is made. Such procedure is not known or recognized under the Bombay High Court Appellate Side Rules as both Interim Application Nos. 8 of 2022 and 9 of 2022 were already disposed of.

3] As such, no orders. However, Applicants are at liberty to move fresh Application for restoration.

(NITIN W. SAMBRE, J.)