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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3325 OF 2022
IN
CIVIL APPLICATION (ST) NO. 349 OF 2019
IN
CIVIL APPLICATION (ST) NO. 18149 OF 2018
IN
FIRST APPEAL (ST) NO. 28203 OF 2017
WITH
CIVIL APPLICATION NO. 3720 OF 2017
IN
FIRST APPEAL (ST) NO. 28203 OF 2017
AND
CIVIL APPLICATION NO. 3721 OF 2017
IN
FIRST APPEAL (ST) NO. 28203 OF 2017
IN
REJECTED CASE NO. 976 OF 2018**

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CJYM Realtors LLP	...Applicant
<i>In the matter between</i>	
CJYM Realtors LLP	...Petitioner
<i>Versus</i>	
Suhel Salauddin Qureshi & Ors	...Respondents

Mr Somnath T, *with Sachin Dhopatkar, i/b Ramesh Tripathi, for the Applicant/Appellant.*

**CORAM G.S. Patel &
 Gauri Godse, JJ.**

DATED: 30th September 2022

PC:-

1. Interim Application No. 3325 of 2022 is restoration application is so utterly delightful in its history of errors that we can do nothing except allow it. Not to do so, or to delay it further, would make the whole business, already comic, simply ludicrous.
2. There is a First Appeal (St) No. 28203 of 2017. In this, there was a Civil Application No. 3720 of 2017 for condonation of delay, and a stay application, Civil Application No. 3721 of 2017. All these were dismissed for default on 24th February 2018.
3. The Appellants then filed Civil Application (Stamp) No. 18149 of 2018 to restore the First Appeal, the stay application and the delay condonation application.
4. The restoration Civil Application was itself dismissed for default on 1st October 2018.
5. Then the Applicant filed Civil Application No. 349 of 2019 to restore the restoration application, which was for restoration of the

First Appeal, the stay application and the delay condonation application.

6. The Civil Application for restoration of the restoration Civil Application was itself dismissed on 4th November 2019.

7. This is how the present Interim Application No. 3325 of 2022 is filed, to restore the restoration civil application for restoration of the civil application for restoration of the First Appeal, etc. We may be forgiven if we have missed a couple of 'restorations' here or there.

8. To allow the application in part is pointless. Far better would be, and it lies within our power, so it is, to pass what is effectively a domino order successively restoring every application down to the First Appeal, the initial stay application and the delay condonation application. This is the only way out. The Applicant deserves a full marks for perseverance. It is impossible to find fault with it at least on that ground, however remiss it may otherwise have been in prosecuting his cause.

9. Therefore, and for these reasons, we allow Interim Application No. 3325 of 2022. Civil Application No. 349 of 2019 is restored and is forthwith taken up. It is also allowed. This results in a restoration of Civil Application (Stamp) No. 149 of 2018 which is forthwith taken up and is similarly allowed.

10. Consequently, the First Appeal, Civil Application No. 3721 of 2017 for stay and Civil Application No. 3720 of 2017 are all restored.

11. Civil Application No. 3720 of 2017 seeks condonation of a delay of 23 days. The delay is condoned.

12. The First Appeal is therefore admitted. It is to be finally numbered. Call for the R&P. Printing of the paperbook dispensed with. The Registry will call for the R&P in digital form.

13. **Rule** on the Civil Application No. 3721 of 2017 for stay. In addition to service through Court, private service is permitted. Rule on the Civil Application for stay is made returnable after six weeks.

14. The Applicant/Appellant is put to notice that if there is a single further failure to remain present, we will dismiss the First Appeal but this time with an order of costs, to discourage any attempts at further Civil Applications for restoration.

(Gauri Godse, J)

(G. S. Patel, J)