

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

**INTERIM APPLICATION NO.1777 OF 2023
IN
FIRST APPEAL NO.552 OF 2012**

Sunita Rajendra Kulkarni & Ors.Applicants
Versus
Mahadeo Janu Kanekar & Ors.Respondents

Mr. Nimesh Lotlikar i/b. Mr. Varun V. Thokal, Advocate for the Applicants.

CORAM : S. G. DIGE, J.

DATE : 23rd FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the applicants.
2. Learned counsel for the applicants submits that this Court (Coram : K.K.Tated, J.) by order dated 30th August 2012 admitted the appeal filed by the appellant and directed to file paper book within a period of one year but the said order is not complied, hence, the appeal is dismissed. Learned counsel further submits that the applicants are the original claimants. They have challenged the order passed by the Tribunal. If the appeal is not restored, the claimants would suffer. The Advocate on record did not inform the

claimants about the directions given by this Court. Hence, requested to allow the application.

3. Considering the submissions of learned counsel for the applicants and the reasons mentioned in the application, the application is allowed in terms of prayer clauses (a) and (b) and disposed of.

4. In case, the applicants succeed in the appeal, they shall not claim interest for the delayed period i.e. from the order dated 30th August 2012 passed by this Court till date. The applicants shall file an undertaking in that regard.

(S. G. DIGE, J.)