

Dusane

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

**INTERIM APPLICATION NO.4146 OF 2023
IN
SECOND APPEAL NO.395 OF 2012**

Smt. Shobha Shankar Isapure ...Applicants
& Anr.

V/s.

Smt. Akkatai Baburao Patil & Ors. ...Respondents

Ms. Surabhi Vadhavkar i/by Mr. Sachin
Dhakephalkar for Applicants.

Mr. Sumedh S. Modak i/by Mr. Vijay Killedar for
Respondent Nos 1 to 7.

Mr. Akshay Kulkarni i/by A.M. Kulkarni for
Respondent No. 8.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 27th APRIL 2023**

P.C.:

1. The Interim Application is taken out as the learned Registrar (Judicial-II) by order dated 9th December 2021 disposed of the Second Appeal for non-compliance of the conditional order dated 29th October 2014. By order dated 29th October 2014, a learned Single Judge has admitted the Second

Appeal on the substantial questions framed therein and directed the Appellants to file paper-book within one week, failing which the Appeal was directed to be dismissed without further reference to the Court.

2. Ms. Vadhavkar, learned Counsel appearing for the Applicants states that the paper-book is now ready and inadvertently the paper-book remained to be filed.

3. Mr. Modak, learned Counsel appearing for Respondent Nos.1 to 7 and Mr. Kulkarni, learned Counsel appearing for Respondent No.8 strongly opposes the application. However, for the reasons set out in the Interim Application, the same is allowed in terms of prayer clauses (a) and (b) and the Second Appeal is restored to file.

4. The Interim Application is disposed of in above terms with no order as to costs.

5. The Applicants to file paper-book within twelve weeks from today.

(MADHAV J. JAMDAR, J.)