

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 17974 OF 2022  
IN  
APPEAL FROM ORDER NO. 1237 OF 2015

M/s. Suyog Goyal Eisha Associates  
Through Its Partners  
Mr. Bharat Mithalal Nagori and Anr. ...Applicants

Versus

Ashok Namdev Kachi (Deceased)  
Through his heirs and legal representatives  
1-A) Mrs. Malan Ashok Kachi and Others. ...Respondents

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Mr. Pankaj J. Das, for Applicants.  
Mr. Drupad S. Patil, for Respondent

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CORAM : SANDEEP V. MARNE, J.  
DATE : AUGUST 30, 2023.

P.C.:

1. The application is filed for restoration of Appeal from Order. The Appeal was dismissed for default on 18 November 2019. There is delay of 1 year 70 days in seeking restoration of the Appeal.
2. Mr. Drupad Patil, learned Counsel appearing for Respondents would oppose the Application.

3. It appears that the Appeal was admitted and the Respondents had made a statement that they would not entered into an agreement or transaction or create any third party rights in respect of suit property. The said statement continued to operate till the Appeal was dismissed for default.

4. For the reasons stated in the Application, the Application is allowed in terms of prayers made therein. Appeal from Order is restored.

**(SANDEEP V. MARNE, J.)**