

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

Digitally signed
by VASANT
ANANDRAO
IDHOL
Date:
2024.01.31
19:16:53 +0530

CIVIL REVISION APPLICATION NO.241 OF 2022

WITH

INTERIM APPLICATION NO.3515 OF 2022

WITH

INTERIM APPLICATION NO.173 OF 2024

Popatlal P. Shah

...Applicant

V/s.

Neelkamal Realtors Tower Pvt. Ltd.

...Respondent

Mr.Shailesh Kumar Rai for the Applicant.

Ms.Rutuja Patil with Adv.Yohaam Shah, Adv.Hasan Mushabber
i/b Negandhi Shah & Himaytullah for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 29TH JANUARY, 2024.

P.C. :-

1. Mr.Shailesh Rai, advocate appearing for the Applicant,
submits that he is not ready to argue this matter today and seeks
accommodation.

2. Ms.Patil appearing for the Respondent raises an
objection for the adjournment sought. She submits that even on

the earlier occasion, when the Civil Revision Application was dismissed and the restoration application was filed, the Applicant choose not to remain present.

3. It is also submitted by the Applicant that apart from the present Civil Revision Application, there are two more Civil Revision Applications filed against the same Respondent, which have been also dismissed and the Interim Applications for restoration are pending from March 2023.

4. The present Civil Revision Application was dismissed by an order dated 15 March 2023 by the Registrar (Judicial-II). The Applicant thereafter filed Interim Application No.173 of 2024 for restoration of the Civil Revision Application. The said Interim Application came on board on 12 January 2024, when none appeared on behalf of the Applicant. However this Court after hearing the advocate for the Respondent, allowed the Interim Application, subject to payment of costs of Rs.10,000/-, to be paid to the Respondent. Even today, the said costs of Rs.10,000/- has not been paid, and counsel appearing for the Applicant is seeking accommodation so also he seeks time to pay

the costs. As a matter of last chance, the matter is adjourned to 5 February 2024, subject to the Applicant paying paying the costs of Rs.50,000/- to be paid to the Respondent within a period of one week from today. If such costs of Rs.50,000/- and the earlier costs of Rs.10,000/- is not paid by the Applicant within a period of one week from today, this Civil Revision Applicant will stand dismissed without further reference to the Court.

(RAJESH S. PATIL, J.)