

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3527 OF 2023
WITH
CIVIL APPLICATION NO. 38 OF 2023
IN
REJECTED CASE NO. 1575 OF 2019

Shri Kashinath Laxman Mandalik and others. ... Applicants.

V/s.

Samarth Developers Pvt.Ltd and others. ... Respondents.

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None for the Applicants.

None for the Respondents.

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CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.

DATE : 3 NOVEMBER 2023

P.C.:

On 6 October 2023, the following order was passed :

“ This application is for restoration of first appeal which was dismissed for non-removal of office objections. The original Appellants were given four weeks time to remove office objections. Thereafter, upon conditional order, the appeal stood dismissed. Civil application for condonation was taken out which was not attended and the Division Bench dismissed the application. Consequently, the first appeal also stood disposed of. The present application is for restoration of the said application.

2. None appears for the Applicants. The suit filed by the Appellants was dismissed on 9 December 2014 on the ground that it was barred by limitation. The suit was for specific performance of the agreement dated 27 April 1998. There are around 60 Respondents and the appeal records would show that several Respondents were not served which was the office objection. If the Applicants intend to pursue this application, the Applicants will file an additional affidavit placing on record the status of the property in question since the agreement in question is of the year 1998.

3. Stand over to 3 November 2023.

4. If none appears for the Applicants on the next date or the additional affidavit is not filed, it may be presumed that the Applicants/ Appellants are interested in prosecuting the matter and appropriate order will be passed.”

2. None appears for the Applicants nor any affidavit is filed. The Interim Application stands dismissed for non-prosecution.

3. Pending Applications, if any, stand disposed of accordingly.

(MANJUSHA DESHPANDE, J.) (NITIN JAMDAR, J.)