

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3417 OF 2022
IN**

FIRST APPEAL NO.73 OF 2013
Pradeep Kaka Satoskar] Applicant

IN THE MATTER BETWEEN:
Hanuman Kaka Satoskar (since deceased)]

1(a) Laxmi Hanuman Satoskar and others] Appellants
Vs.
Rajesh Prabhakar Narkar and others] Respondents

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Mr. Priyanshu S. Mishra i/b Mr. Manish Dubey, for Applicant.

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CORAM : PRITHVIRAJ K. CHAVAN, J.
DATE : 2nd AUGUST, 2023.

P.C.

1. Heard learned Counsel for the applicant.
2. In view of a common order passed by this Court on 24th January, 2019, the appellants in the appeals listed below the order were directed to remove office objections as well as furnish requisite copies of the paper books in accordance with Rule 10 (iii) of Chapter VII r/w Rule I of Chapter IX of the Bombay High Court Appellate Side Rules, 1960 within eight weeks, failing which, appeals would stand dismissed for non prosecution without further reference to the Court.

3. Applicant is one of the appellant whose appeal came to be dismissed by virtue of the said order.

4. Learned Counsel for the applicant submits that Advocate appearing for the applicant-appellant Ramakant Ramchandra Arolkar expired on 29th July, 2019 and, therefore, could not intimate progress of the appeal to the applicant. It was during Covid-2019 pandemic and, therefore, even the applicant could not establish contact with his Advocate. Copy of the death certificate of the Advocate is annexed with the application.

5. Learned Counsel has shown his *bona fides* by inviting my attention to the receipts of the amount which was directed to be deposited in the trial Court or directly to be paid to the respondent-plaintiff at the time of staying execution of the impugned decree by the Court.

6. As such, appeal needs to be restored by setting aside the order of dismissal passed by this Court and to hear the same on merits.

7. The application is allowed in terms of prayer clause (a) with no order as to costs. Appeal stands restored to it's original file.
8. The applicant shall comply with the directions given by this Court on 24th January, 2019 in respect of removal of office objections and filing of the paper book within 8 weeks.
9. Order passed by this Court on 10th April, 2015 stands revived.
10. Application is disposed of.

[PRITHVIRAJ K. CHAVAN, J.]