

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.14195 OF 2023
IN
SECOND APPEAL NO.777 OF 2011

Sadashiv Bapu Karlekar

.. Applicant

Versus

Suvarna Sudhakar Pawaskar

.. Respondent

Mr.Roshan Hule i/by Mr. R.D. Suryawanshi,
Advocates for the Applicant.

None present for Respondent.

CORAM : VINAY JOSHI, J.

DATE : 20 SEPTEMBER 2023

P. C.

1. Heard.
2. The appeal seeks for condonation of delay and for restoration of Second Appeal no. 777/11 which was dismissed for default vide Order dated 2nd May 2016.
3. The learned counsel for the Appellant has submitted that the impugned decree gave rise to two appeals one by appellant-owner and another by purchaser. The connected appeal filed by purchaser bearing Second Appeal no. 806 /

2011 was earlier dismissed but later on this Court vide Order dated 3rd January 2023 has restored the same.

4. The learned counsel for the Appellant would submit that this Court has dismissed the appeal on 2nd May 2016 primarily because connected Appeal no. 806/11 was already dismissed. In that light, it is pointed out that the connected appeal is now restored by this Court. In view of above, the Application is allowed. Delay is condoned. Earlier Order dated 02/05/2016 is hereby recalled and Second Appeal no. 777/11 is restored at the same stage, Application stands disposed in above terms.

[VINAY JOSHI, J.]