

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO.14211 OF 2023
IN
INTERIM APPLICATION NO.13792 OF 2023
IN
WRIT PETITION NO. 1388 OF 2015**

Dr. Suman S. Rathod ..Applicant (Orig.Petitioner)

Versus

Indian Overseas Bank ..Respondent

Mr.R. V. Sipahimalani, Advocates for the Applicant.

***Mr.Rakesh Singh, with Ms.Heena Shaikh i/b M. V. Kini
& Co, Advocates for the Respondent.***

**CORAM : B. P. COLABAWALLA, J &
M. M. SATHAYE, JJ.**

DATE : AUGUST 30, 2023

P.C.

The above Interim Application is filed seeking to recall the order dated 1st August, 2023 dismissing Interim Application No.13792 of 2023 for want of prosecution and to restore the said application to file.

2 The learned counsel appearing on behalf of the Applicant stated that he was unable to appear on 1st August, 2023

as he was down with a viral fever and it is for this reason that the matter went unattended.

3 Considering that the present application for restoration is taken out immediately after the order dated 1st August, 2023 was passed, we recall the order dated 1st August, 2023 and restore the above application to file.

4 The Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

5 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J].