

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.935 OF 2023
IN
FIRST APPEAL NO.929 OF 2019**

Rohinton Jamsetji Turel & Anr.	... Applicants
V/s.	
Pallonji Shapoorji Mistry & Ors.	... Respondents

None for the applicant.

Ms. Ishita Advani i/by Desai & Diwanji for the respondents.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 14, 2023

P.C.:

1. The applicant is seeking restoration of the appeal which was dismissed for non-filing of private book as per order dated 15th October 2019. The applicant in paragraphs 6 to 8 have explained the reason for non-filing of private paper book.
2. The learned advocate for the opponent has objected for restoration of the appeal.
3. Having considered the reasons in paragraphs 6 to 8, in my opinion, interest of justice requires appeal to be decided on merits.
4. The order dated 15th October 2019 indicates that the appeal was admitted after giving opportunity of hearing to both the sides.

5. Therefore, the applicant has made out a case for restoration. The interim application is allowed in terms of prayer clause (a), (b) and (c).
6. The applicant shall file private paper book within four (4) weeks from today, in case of failure to file private paper book within four (4) weeks from today, the order dated 15th October 2019 shall revive.
7. The interim application stands disposed of.

(AMIT BORKAR, J.)