

VRJ

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

CIVIL REVISION APPLICATION NO.557 OF 2023

Sarojini Damodar Sathe & Anr. ... Applicants
V/s.
 Anjali Dilip Beke & Anr. ... Respondents

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**WITH
INTERIM APPLICATION NO.15834 OF 2023
IN
CIVIL REVISION APPLICATION NO.557 OF 2023**

Sarojini Damodar Sathe & Anr. ... Applicants
V/s.
 Anjali Dilip Beke & Anr. ... Respondents

Mr. Suneet Moholkar for the applicants.

Mr. Sandeep Maurya i/by Mr. Salil Dabke for
respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 7, 2023

PC.:

1. The defendants by way of present revision application under section 115 of the Civil Procedure Code, 1908, takes exception to the order passed by the Trial Court restoring suit which was dismissed for non-prosecution.

2. It appears that the application for restoration of suit was filed on the same day when the suit was dismissed for non-prosecution. Therefore, the Court had no discretion but to allow

such application. Therefore, no interference is called for in the impugned order restoring the suit.

3. However, considering the age of the applicant and the respondent, the Trial Court is directed to decide suit within one year from today.

4. The civil revision application stands disposed of in above terms. No costs.

5. In view of disposal of the civil revision application, the interim application does not survive and the same stands disposed of as infructuous.

(AMIT BORKAR, J.)