



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**914 CIVIL APPLICATION NO. 9305 OF 2021
IN CRA/601/2003**

**DR. RAVINDRA SHIVCHANDRA ZAWAR AND ORS
VERSUS**

**M/S MAHARASHTRA HOSPITALITY PVT LTD THR ITS DIRECTOR
SUDHIR ALIAS ABASAHEB T. DESHPANDE AND ORS**

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Mr. Subodh P. Shah, Advocate for Applicants

Mr. S. S. Bharuka, Advocate for Respondent No.1

Mrs. Charuta S. Deshmukh, Advocate for Respondent No.4

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 08/03/2024.

P. C. :

1. Heard rival submissions.
2. The applicants are seeking restoration of their Civil Revision Application No. 601 of 2003 by condoning the delay of 1797 days, which has been dismissed in default vide order dated 22/06/2016.
3. The learned counsel for the respondent No.1 strongly opposed the application on the ground that the litigation is going on since 2001 and despite there being a decree of Rs.42 lakhs, the present applicants only deposited an amount of Rs.15 lakhs as directed by this court while granting stay to the execution. According to him, the license fee around Rs.2.5 crores is due against the applicants, but they are playing delaying tactics.

4. The learned counsel for the applicants submits that the matter is already compromised between the applicants and respondent Nos.3 & 4. The learned counsel for respondent No.4 also consented for the same. However, it appears that grounds for delay are not convincing. Moreover, the decretal amount has also not been paid in entirety. In view of the same, I am of the opinion that the applicants are required to deposit certain deposit for allowing their restoration application and to decide their CRA on merit. As such, the application stands allowed in terms prayer clause-A & B subject to deposit of amount of Rs.10 lakhs by the applicants within two months. On deposit of such amount, the CRA No.601 of 2003 be restored to its original stage. Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)