

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1710 OF 2024

IN

FIRST APPEAL NO.872 OF 2018

M/s. Kishore J. Janani & Ors. : Applicants

IN THE MATTER BETWEEN

M/s. Kishore J. Janani & Ors. : Appellants

Vs.

M/s. Arun Fintrade LLP : Respondent

Adv. Surin Usgaonkar, for the Applicants/Appellants.

Adv. S. Mohite i/by Adv. Anup Kaitan, for the Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 20TH FEBRUARY, 2024

PC. :

1. This Application is for restoration of the First Appeal by recalling an order dated 19th January, 2024 of dismissal of the Appeal for non prosecution.

2. Learned Advocate submits that the Appeal was on board on 15th January, 2024 and the same was adjourned on 29th January, 2024 on the weakly board. However though the matter was mentioned and was adjourned to 29th January, 2024 suddenly the same was taken out on 19th

January, 2024. Since the settlement talks were going on between the parties and since the Appeal was already mentioned for adjournment to 29th January, 2024, none was present when the Appeal was taken on 19th January, 2024. It is submitted that in fact the parties are even now in the process of settlement.

3. Learned Advocate therefore prays for restoration of the Appeal.

4. Learned Advocate for the Respondents submits that the parties are in the process of settlement. She also opposes the Application. Looking to the averement in the Application and submissions of the learned Advocate, this Court finds that the order dated 19th January, 2024 be recalled. The same is therefore recalled.

5. Application is allowed.

6. Place the Appeal for final hearing in weakly board i.e. 4th April, 2024.

(KISHORE C. SANT, J.)