

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.6777 OF 2024
IN
SECOND APPEAL NO.866 OF 2017

1 Shantaram Bhiku Shingare Since
Deceased Through L/H ...Applicant/Appellant
Versus
1 Bhagoji Bhiku Shingare Since Deceased
Through Legal Heirs ...Respondents

Mr. Vinaykumar Khatu a/w. Ms. Shrutika P. and Ms. Sneha Thakare
for the Respondent Nos.1/2, 1/3/1 to 1/3/5

Mr. Rahul More for the Applicant/Appellant.

Mr. Sachet Makhija i/b Mr. Shyam Dewani for the proposed
Appellant.

CORAM : SHARMILA U. DESHMUKH, J.
DATE : 19th MARCH, 2024.

P. C. :

INTERIM APPLICATION NO.6777 OF 2024

1. Interim Application has been preferred seeking recall of the order dated 18/1/2024 dismissing the Second Appeal for non-prosecution. Learned counsel for the applicant would submit that as he was held up in other Court when the matter was called out he could not remain present and the Application came to be dismissed for default.

2. Learned counsel for Respondent opposes the Application and submits that since 2017 the Second Appeal has not been moved.

3. Considering that the Appeal has been dismissed for non-prosecution, for the reasons set out in the Application, the same is allowed. Second Appeal is restored to file.

SECOND APPEAL NO.866 OF 2017

4. By order of even date, the order dismissing the Appeal for non prosecution was recalled. Upon the advocate being called upon to argue the Second Appeal, he has informed this Court that the Appellant has changed the advocate. Mr. Shyam Dewani, Advocate would be filing his *vakalatnama* within a period of one week from today. He further submits that some of the respondents have expired and appellant No.3 has also expired and within a period of two weeks an appropriate Application will be filed.

5. Let Application be filed within a period of two weeks from today with an advance copy to the other side. Stand over to **2nd April 2024.**

(SHARMILA U. DESHMUKH, J.)