

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

**INTERIM APPLICATION NO. 12927 OF 2023
IN
FIRST APPEAL NO. 1589 OF 1996**

Vijay Ramchandra Chavan

... Applicant

IN THE MATTER BETWEEN

Ramchandra Mahadeo Chavan (Deceased) Thr. ... Appellants
Legal Heirs

Vs.

Damodhar Mahadeo Chavhan (Deceased) Thr. ... Respondents
Lrs.1.(a) To 1.(e) And Ors.

Adv. Rahul Raut, for the Appellant.

Mr. Mayur Sonwane, for the Respondent Nos. 1(a) to 1(d) and 1(e).

CORAM : KISHORE C. SANT, J.

DATE : 1st March, 2024

P.C.:-

1. This Application is filed seeking restoration of the appeal that was dismissed in view of common order dated 24th January, 2019 passed by this Court in various matters. This Court had directed to file private paper-book within 8 weeks from 24/01/2019. In case of conditional order was passed on dismissal.

2. It is the case of the Applicant that the Appeal is of 1996 and it was admitted long back, inadvertently the matter was not noticed on the

board dated 24th January, 2019. When the Applicant made an inquiry about the status of Application, it is at that time it was noticed that conditional order was passed.

3. There is delay of 1503 days caused in filing the present Interim Application, considering the reasons assigned the Application stands allowed.

4. First Appeal is restored to its original position subject to condition that the Applicant shall prepare a private paper-book and filed requisite number of decree forms along with private paper-book within 8 weeks from today. The Applicant shall pay cost of Rs. 5,000/- to the Legal Services Authority of this Court as a condition.

5. Interim Application is disposed of.

(KISHORE C. SANT, J.)