

Sayali

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

**CIVIL APPLICATION NO. 151 OF 2022
IN
REJECTED CASE NO. 290 OF 2018**

Savarmal Rameshwar Nai ..Applicant

Vs.

Municipal Corporation of Greter Mumbai ..Respondent

**SAYALI
DEEPAK
UPASANI**

Digitally signed by
SAYALI DEEPAK
UPASANI

Date: 2024.05.10
14:53:11 +0530

Mr. Aniketh Poojari, for Applicant.

Mr. Aslam M. Tadv, for Respondent- MCGM.

CORAM : KISHORE C. SANT, J.

DATE : 9th MAY, 2024

PC.

1) Heard the parties. This Application is for restoration of the First Appeal st. No. 32604 of 2004 that was dismissed in view of the conditional order passed by this Court by order dated 7th June, 2006 by which the Applicant was directed to remove office objections. The order of dismissal came to be passed on 1st March, 2018 by the learned Registrar (Judicial II) of this Court. It is the case of the applicant that in fact the applicant was prosecuting the Appeal. The father of the present Applicant died on 17th February, 2007 and, thereafter, he has filed an

application for bringing the legal heirs on record by way of Civil Application No. 79 of 2008. This Court was pleased to allow that Application by an order dated 10th January, 2008. It is further stated that in 2017, the Applicant was constantly in touch with the earlier Advocate. It is after some dates when the applicant's Advocate took search of the Applicant, he came across, the order passed by the Registrar (Judicial II). It is thereafter the application is filed.

- 2) For the reasons recorded in the Application, the Application stands allowed.
- 3) The First Appeal is restored to its original position.
- 4) Application is opposed by the Respondent.
- 5) Needless to say that the Office will allow the Applicant to reconstruct the original file.

[KISHORE C. SANT, J.]