

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3647 OF 2018
IN
FIRST APPEAL NO.653 OF 2010
WITH
CIVIL APPLICATION (ST) NO.23629 OF 2017
IN
FIRST APPEAL NO.653 OF 2010

Triloki Tihuli Gupta .. Applicant

In the Matter Between :-

Triloki Tihuli Gupta .. Appellant

Versus

Fulchand alias Ramodar Samlal Gupta .. Respondent

And

Sarojana w/o Fulchand Ramlodar Gupta

& Ors. .. Proposed
Respondents

...

Ms.Eventa A. Gonsalves with Mr.Reyden L. Gonsalves for
proposed Respondent Nos.2, 3 and 4.

...

CORAM: BHARATI DANGRE, J.
DATED : 30th SEPTEMBER, 2021

P.C:-

1. None for the Applicant. Heard learned counsel for the
proposed Respondents.

2. By the present application, the relief is sought to bring the legal heirs/representatives of the deceased Respondent on record

3. Learned counsel appearing for the proposed Respondents has invited my attention to an order passed in First Appeal on 09/02/2011 while admitting the First Appeal, which reads thus :-

“ . Admit. Printing is dispensed with. Advocate for Respondent waives service.

2. Requisite number of copies of Private Paper books including the copies for the respondent/s shall be filed by the Appellant/s within a period of one year from today. If compliance is not made within stipulated time, the Appeal shall stand dismissed for want of prosecution without further reference to the court.”

4. In the wake of the non-compliance, the First Appeal itself was dismissed and that is the precise reason why Civil Application(st) No.23629 of 2017 is taken out by the Appellant, seeking restoration of Appeal. However, the said application is pending since 2017 alongwith an application for condonation of delay, but the Appellant has not bothered to put an appearance even in the application, seeking restoration.

5. In any contingency, as far as the present application is concerned, it cannot survive in light of the order dated 09/02/2011 and stands dismissed.

(SMT. BHARATI DANGRE, J.)