

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 574 OF 2024
IN
SECOND APPEAL NO. 550 OF 2016**

Mohan Nathu Hagavane ...Applicant

Vs.

Rajiv Purushottam Bodas Prop. Sharda ... Respondents
Developers and Investment Company
and Ors.

Digitally
signed by
MANGALTAI
JAYWANT
JADHAV
Date:
2024.12.06
13:01:14
+0500

Mr. Vaibhav Gaikwad for the Applicant.

CORAM : GAURI GODSE, J.

DATED : 4th DECEMBER 2024

ORDER:

INTERIM APPLICATION NO. 574 OF 2024

1. Office has neither placed the hard copy of application on record nor shared the copy on the drive.
2. Learned counsel for the applicant has tendered copy of the application which is taken on record.
3. Office remark shows that notice issued to respondent nos.1 to 5 are served.
4. This application is for restoration of the second appeal with prayer to recall the order dated 21st February 2018. By the said order, appeal was dismissed for non prosecution as none had

appeared on behalf of the appellant.

5. Learned counsel for the applicant submits that the reasons for delay in filing the application and reasons for not appearing on 21st February 2018 is explained in paragraph no.4. He submits that immediately after the applicant learnt about the order, steps are taken to file this application.

6. Though served, none appears for the respondents to oppose the reasons stated in the application.

7. For the reasons stated in the application, delay is condoned and the application is allowed in terms of prayer clause (a) and (b).

8. Office is directed to reconstruct the Court file, if the Court papers are not traceable.

9. Office is also directed to place on record a report as to why copy of the Interim Application No.574 of 2024 is not placed before the Court.

10. Necessary report to be submitted within one week.

11. List the second appeal “for admission” on 16th December 2024.

(GAURI GODSE, J.)