

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.463 OF 2024

Sanjay Pandharinath Kotkar

.. Applicant

Versus

Lata Gunvant Shah and Anr.

.. Respondents

.....

- Ms. Poonam Patil a/w. Manindra Pandey, Advocate for Applicant.
- Mr. Sanjiv Sawant a/w. Ms. Bhakti Wast i./by Mr. Samir Suryawanshi, Advocate for Respondent No.1.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 17, 2024

P.C.:

- 1.** Heard Ms. Patil, learned Advocate for Applicant and Mr. Sawant, learned Advocate for Respondent No.1.
- 2.** This Interim Application seeks setting aside of order dated 01.12.2023 passed by this Court (Coram : Amit Borkar, J) by which Civil Revision Application came to be dismissed for non-prosecution in view of the non-appearance of Applicant as well as the Advocate.
- 3.** Mr. Sawant, learned Advocate appearing for the Respondent No.1 in his usual fairness would submit that this was the third instance of dismissal which is infact borne out from the record.
- 4.** He has made two specific submissions for consideration in so far the Civil Revision Application is concerned. Those are on merits.

The Respondents are assured that their submissions shall be duly considered when the Civil Revision Application is heard by the Court.

5. For the reasons mentioned in the Interim Application, the order dated 01.12.2023 stands quashed and set aside and the Civil Revision Application No.636 of 2009 stands restored to the record and file of the Court subject to payment of costs of Rs.5,000/- to be paid to the Kirtikar Law Library, High Court Bombay. Costs shall be paid within a period of one week from today and receipt shall be placed on the record and file of the Civil Revision Application and informed to the Court on the next adjourned date.

6. Considering that this Civil Revision Application is of the year 2009, no further time will be granted by this Court and it is made clear that the Applicant shall also not seek any adjournment whatsoever from this Court.

7. Since Civil Revision Application has been admitted, list it on the final hearing board on **25th January, 2024** as per its turn.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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