

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

**INTERIM APPLICATION NO. 9807 OF 2024
IN
WRIT PETITION NO. 6474 OF 1996**

Madhusudan Trimbak Rajebahadur ...Applicant/Petitioner
Versus
Dhondiram G. Gaikwad Since Deceased
Through Lrs. and Ors. ...Respondents

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Mr. Satyajeet P. Dighe, for the Applicant/Petitioner.

Ms. Bhavna Nirban i/by Mr. Ashwin Kapadnis for the Respondents.

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**CORAM : AVINASH G. GHAROTE, J.
DATE : 1st JULY, 2024**

P.C.:

1. The learned counsel for the Applicant/Petitioner submits that he would be willing to advance the arguments finally on the petition if restored, accepting which though the learned counsel for all the respondents vehemently oppose, however considering that the matters are required to be decided on merits, and the fact that the application for restoration was filed within two days of the order of dismissal, the interim application is allowed. The order of dismissal is set aside. Petition stands restored subject to

deposit a sum of Rs.10,000/- being paid as a costs to the following account as a condition precedent by tomorrow i.e. on 02.07.2024.

Bank : Bank of Baroda, Backbay Reclamation Branch,
Mumbai – 20
Account No. : 03820100002611
IFSC CODE : BARB0BACKBA
Account Name : Mahila Vikas Mandal Colaba
Account Type : Savings.

(AVINASH G. GHAROTE, J.)