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

**INTERIM APPLICATION NO. 10883 OF 2024
IN
SECOND APPEAL NO. 951 OF 2016**

Sau. Asha Ashok Pawaskar

.....Applicant

Vs.

Smt. Usha Laxman Salaskar

.....Respondent

Mr. Bommer Limbadri a/w Mr. Shivkumar Mishra Advocate for the
Applicant

Ms. Siddhi Patil i/b Mr. Sumant Patil for respondent

CORAM : GAURI GODSE, J.

DATE : 25th JULY 2024

ORDER:

1. This application is for restoration of second appeal which was dismissed in default on 19th January 2024. There is delay in filing the application. Learned counsel for the applicant submits that on 28th June 2016, this Court recorded statement made on behalf of respondent that no further steps will be taken in the execution proceedings till the next date of the hearing of the second appeal. He

submits that since the second appeal is dismissed for non-prosecution, the interim protection by way of statement made by the respondent stood vacated. He further submits that in the execution proceedings, application for possession warrant is filed and the same is kept for hearing today. He therefore requests for grant of protection.

2. Learned counsel for respondent submits that advocate on record is not available and the advocate was not intimated about today's date. She submits that she needs time to go through the papers.

3. List the application under the caption for "Urgent Orders" on 19th August 2024.

4. Affidavit-in-reply, if any, to be filed before the next date with an advance copy to the learned counsel for the applicant.

5. Till the next date, no coercive action to be taken against the applicant for executing the decree.

[GAURI GODSE, J.]