

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO.722 OF 2024
IN
EXECUTION APPLICATION NO.163 OF 2005**

ANURADHA NAYAN SHAH)...APPLICANT

V/s.

JAYANTILAL VALLABHDAS PATNI AND OTHERS)...RESPONDENTS

Mr.Amogh Singh a/w. Mr.Amit Hailkar i/by Mr.Nivit Srivastava,
Advocate for the Applicant.

None for the Respondents.

CORAM : ABHAY AHUJA, J.

DATE : 11th MARCH 2024

PC. :

1. This Application seeks restoration of the Execution Application which came to be dismissed for default in view of the conditional common order dated 10th September 2018 passed by this Court.

2. Mr.Singh, learned Counsel, appears for the Applicant and draws the attention of this Court to paragraphs 3 to 13 and then again from paragraphs 3 to 5 on page 9 submitting that amended Proclamation of Sale also was issued on 16th August 2016. That, if the Application is not restored, great prejudice would be caused to the Applicant.

Learned Counsel submits that this Court may restore the Application, subject to reasonable costs.

3. Having heard the learned Counsel and having perused the Application, for the reasons submitted by the learned Counsel and those contained in the Application, this Court restores the Application subject to payment of costs of Rs.5,000/- to the High Court Original Side Library, within a period of two weeks.

4. The Application, accordingly, stands disposed.

(ABHAY AHUJA, J.)