

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1852 OF 2025

IN

SECOND APPEAL NO.558 OF 2011

Ratnabai Namdev Mahangade & Ors.

...Applicants

Versus

Pavitra @ Savitra Bajirao Mahangade & Ors.

...Respondents

Mr. Rajaram V. Bansode a/w Ms. Sheetal M. Ubale, for the
Applicants/Appellants.

CORAM: MADHAV J. JAMDAR, J.

DATED: 19 JUNE 2025

P.C.:

1. Heard Mr. Rajaram Bansode, learned Counsel along with Ms. Sheetal Ubale, learned Counsel appearing for the Applicants.
2. By Order dated 14th November 2024 a learned Single Judge has dismissed the Second Appeal for default. The learned Judge has recorded that on 2-3 occasions the learned Advocate for the Appellants has sought adjournments, and also on earlier occasion the matter was dismissed in default.
3. Learned Counsel for the Appellants assures the Court that as and when the matter is listed before the Court he will appear in the matter. Learned Counsel also states that due to the reasons which are set out in the Interim Application the Applicant could not remain present in Court.

4. A learned Single Judge in Order dated 18th February 2025 passed in this Interim Application has stated that unless Advocate for the Appellants is ready to argue the Second Appeal on merits, the Application for restoration would not be considered. However, as this Court is also having the assignment of Criminal Appeals wherein accused are in jail, priority is required to be given to those matters.
5. Accordingly, Interim Application is allowed in terms of prayer clause (a), however with cost of Rs.2,000/-.
6. Learned Counsel for the Applicants submitted that the said cost will be immediately paid to Kirtikar Law Library.
7. Accordingly, Second Appeal No.558 of 2011 is restored to the file of this Court.
8. The Second Appeal No.558 of 2011 be added in 'Final Hearing' board of 9th July 2025.

[MADHAV J. JAMDAR, J.]