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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO. 1235 OF 2017
WITH
INTERIM APPLICATION NO. 9399 OF 2025
WITH
CIVIL APPLICATION NO. 3515 OF 2017**

Binita V Kadakia

.....Appellant

Vs.

Canara Bank and Ors

.....Respondents

Mr. Piyush Shah Advocate for the Appellant

CORAM : GAURI GODSE, J.

DATE : 3rd JULY 2025

ORDER:

INTERIM APPLICATION NO. 9399 OF 2025:

1. This application is for restoration of the First Appeal against respondent no. 3 with a prayer to recall the order dated 6th August 2019 and order dated 2nd January 2023.
2. Learned counsel for the applicant submits that on 6th August 2019, advocate appearing for the appellant had made a statement

that she seeks time to take steps against deceased respondent no. 3. Since the steps were not taken, conditional order was passed on 2nd January 2023. Pursuant to conditional order, the first appeal stood dismissed against respondent no. 3. He submits that after the applicant learnt about the aforesaid orders, on statement made on her behalf, this application is filed to recall the earlier orders. The applicant has stated in the application that she is not aware about the whereabouts of respondent no. 3 and thus, the statement made on behalf of the appellant on 6th August 2019 is incorrect.

3. For the reasons stated in the application, it is allowed in terms of prayer clause (a) and (b). First Appeal and the pending applications are restored to file against respondent no. 3.

FIRST APPEAL NO. 1235 OF 2017:

4. Heard. Admit.

5. Call for record and proceedings. Printing is dispensed with.

6. Learned advocate for the appellant shall file private paper-book within a period of one year from today.

CIVIL APPLICATION NO. 3515 OF 2017:

7. Rule. Rule on interim relief is made returnable on 10th September 2025.

8. In addition to Court notice, learned advocate for the applicant shall serve the respondents by private notice and file affidavit of service before the next date.

[GAURI GODSE, J.]