

Digitally signed
by
HUSENBASHA
RAHAMAN
NADAF
Date:
2025.08.14
09:53:01 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9876 OF 2025

IN

FIRST APPEAL NO. 707 OF 2018

Asgarali Akbar	...Applicant
In the matter between	
Asgarali Akbar	...Appellant
Versus	
Inamul Asahanul Haque (dead)	
Org. Defendant through LRs 1.(i) Smt. Musrat	
Farhad Jahan And Ors.	...Respondents

Mr. Abhijit Singh for Applicant.
Mr. Sandeep Mahadik for Respondents.

CORAM : M.M. SATHAYE, J.

DATE : 12th AUGUST, 2025

P.C. :

1. Heard learned counsel for the parties.
2. This is an application for restoration of the first appeal which is dismissed for default under order dated 30.04.2025. There is nominal delay of 21 days in filing the application. Learned counsel for Respondent has opposed the delay. No reply is filed.
3. In view of the averments made in the application, sufficient cause is made out for delay condonation. Considering that the substantive first appeal was dismissed for default, case for restoration is also made out.

4. Application is allowed. Delay is condoned. Dismissal under order dated 30.04.2025 is set aside and appeal is restored to file for hearing on merits.

(M.M. SATHAYE, J.)