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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 12794 OF 2025
IN
FIRST APPEAL NO. 951 OF 2022

Vikas R. Ruparelia ...Applicant/Appellant
Versus
Shashi Venkatesh Maheshwari ...Respondent

Ms. Samiksha Parekh for Applicant.
Mr. Jitendra G. Damani for Respondent.

CORAM : M.M. SATHAYE, J.

DATE : 6th NOVEMBER, 2025

P.C. :

1. Heard learned counsel for the parties.
2. This is an application for restoration of appeal by the Appellant. The appeal was dismissed for non prosecution on 10.09.2024 when nobody appeared for the parties. There is delay of 210 days in filing the application.
3. Learned counsel for the Applicant submits that reasons for delay are stated in paragraph Nos.4, 8 & 9 of the application.
4. No reply is filed to the application. However, learned counsel for the Respondent submits that there is a money decree in his favour and against the Applicant. He submits that the execution is pending, but because of the pendency of the restoration application and appeal, recovery is stalled.
5. Learned counsel for the Applicant submits that the decree is

already secured because the amount is deposited in this Court pursuant to the earlier order dated 27.07.2022 passed in Civil Application No.150 of 2019.

6. Considering the averments made in the application and further considering that substantive challenge in the form of first appeal is involved, sufficient cause is made out. The application is allowed. Delay is condoned. The first appeal is restored to file.

7. Interim application is disposed in above terms.

(M.M. SATHAYE, J.)