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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 38436 OF 2025
IN
SECOND APPEAL NO. 874 OF 2001**

Namdeo Ranu Malve since deceased ... Applicant/Appellant
through legal heirs

vs.

Ambhadas Ranuji Bhor since deceased ... Respondent
Lrs Eknath Ambadas Bhor

Mr. C.G. Gavnekar i/b. Mr. Milind Deshmukh for the Applicants

CORAM : GAURI GODSE, J.

DATED : 12th DECEMBER 2025

ORDER:

1. Not on board. Taken on the production board in view of the production praecipe filed by the learned advocate for the applicant.
2. This application is filed for restoration of the second appeal which was dismissed in default on 22nd January 2024. The record shows that, as none had appeared on 3rd January 2024, the court had adjourned the appeal by way of last chance. Order dated 3rd January 2024, records that on earlier date also none had appeared for the appellant. On all the dates the advocate for respondents was

present.

3. The application is bereft of any explanation for non-pearance on the dates as mentioned in the orders.

4. Since this court is not inclined to restore the second appeal in the absence of any explanation, learned counsel for the applicant seeks time to file an additional affidavit to support the prayer for restoration of the second appeal. He seeks time to file additional affidavit. Time granted.

5. Stand over to 8th January 2026.

6. It is clarified that this court has not passed any interim order in the application.

(GAURI GODSE, J.)