

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1791 OF 2012
IN
SECOND APPEAL NO.529 OF 1996

RAMNARAYAN KISHANRAO GHOLAP

APPLICANT

VERSUS

TRIMBAK SAHEBRAO GADE

RESPONDENT

Mr.V.B.Jagtap h/f Mr.V.D.Sapkal, Advocate for the applicant.
Mr.Jeevan Patil h/f Mr.G.B.Rajale, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 18/03/2015

PER COURT :

1. By this application, the applicant prays for condonation of 48 days delay caused in preferring this civil application for seeking restoration of the second appeal by recalling order dated 27/09/2011 passed by this Court. Since the paper book and decree forms were not supplied within the stipulated time, the second appeal stood dismissed in default. Reasons in support of the request for condonation of delay are set out in paragraph Nos.2 and 3 of the civil application.

2. Learned Advocate for the respondent opposes the application.

3. For the reasons set out in the civil application, the same is allowed. The order dated 27/09/2011 is recalled by condoning the delay of 48 days. The second appeal is, therefore, restored. The applicant shall pay costs of Rs.1,000/- to the respondent by depositing the same in this Court within 3 (three) weeks. Upon deposit, the respondent is at liberty to withdraw the same.

4. In the event the costs are not deposited, this order shall stand recalled and the order dated 27/09/2011 shall stand restored.

5. Upon depositing costs, the second appeal shall stand restored in view of the statement of the applicant that the paper book and the decree forms have already been supplied.

(RAVINDRA V. GHUGE, J.)