

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.2962 OF 2015
IN
SECOND APPEAL NO.113 OF 2013

SHRIKRUSHNA BABURAO PARDESHI	APPLICANT
VERSUS	
SAMBHAJI KARBHARI ARGADE AND OTHERS	RESPONDENTS

Mr.L.V.Sangit, Advocate for the applicant.
Mr.G.V.Wani, Advocate for respondent Nos.1, 2A to 2C.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 20/03/2015

PER COURT :

1. Contention is that the applicant/appellant could not comply with the order dated 18/10/2013 and 23/10/2013 passed by this Court which directed the appellant to file private paper book within one year from 18/10/2013.

2. Mr.Sangit, learned Advocate indicates from paragraph Nos. 2 and 3 that the applicant suffered from heart ailment and subsequently had to undergo Coronary Angioplasty in the light of the medical reports placed on record. It is because of the time that the applicant had to spent for dealing with his ailment, that the direction

of this Court could not be complied with.

3. Mr.Sangit further submits that the direction of this court was conditional, which indicates that the second appeal would be dismissed without reference to the Court if private paper book was not filed within the time frame.

4. Mr.Wani, learned Advocate opposes the civil application.

5. Having considered the above submissions of the litigating sides and since the applicant submits that his private paper book is ready to be filed, I deem it proper to permit the appellant to file the private paper book. The observation of this Court that the second appeal shall stand dismissed without back reference to the Court, will stand modified so as to ensure that the appellant would be able to place on record the private paper book.

6. As such, this application stands allowed. Consequentially, the second appeal stands restored subject to costs of Rs.1000/- (Rs.One thousand only) thereby permitting the applicant to file the private paper book within 3 (three) weeks from today. Mr.Wani submits that the said amount be deposited by the applicant with the High Court

Advocates' Bar Library, Aurangabad. Mr.Sangit agrees.

7. As such, in the event the costs is not deposited and if the private paper book is not filed, this order shall stand recalled, civil application shall stand rejected and the orders dated 18/10/2013 and 23/10/2013 shall be given effect to.

(RAVINDRA V. GHUGE, J.)