

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.817 OF 2015
IN
FIRST APPEAL NO.870 OF 2010**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.R.D.Suryavanshi for the applicant

Mr.V.E.Pereira for the respondent

CORAM : K.K.TATED, J.

DATED : 12/06/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 Advocate for the appellant defendant filed undertaking stating that the appellant and his family members will not obstruct the respondent to occupy the suit premises. The said undertaking is accepted. The undertaking is marked as 'X' for identification.
- 3 This application is for restoration of First Appeal No.870 of 2010 which was dismissed in view of conditional order dated 8.10.2010 for non-filing of private paper book within stipulated time.
- 4 Advocate for the applicant submits that the applicant undertakes to file private paper book

within four weeks from today. Same is accepted.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, the following order:

- a) Time is extended by four weeks from today to file private paper book in the Registry and serve copy on the other side.
- b) First Appeal No.870 of 2010 is restored on file for hearing on its own merits.
- c) Civil application stands disposed off accordingly.

(K.K.TATED, J.)