

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 1188 OF 2015
IN
SECOND APPEAL NO. 73 OF 2012**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. S. S. Patil for the applicant.

Mr. Manoj Kadam for the respondent.

CORAM : K. K. TATED, J.

DATED : 09/09/2015.

P.C.:

. Heard learned Counsel for the parties.

2 This application is for restoration of Second Appeal no. 73 of 2012 which was dismissed for non compliance of conditional order i.e. filing of private paper book.

3 The learned Counsel for the applicant submits that inadvertently it remains on their part to comply the order. He submits that private paper book is ready and they undertake to file the same within four weeks from today.

4 On the other hand, the learned Counsel for the respondent vehemently opposed the present Civil Application. He submits that applicant has not shown sufficient cause for non compliance of order.

Hence, there is no substance in the Civil Application and same to be dismissed with costs.

5 Considering the submissions made by learned counsel for the applicant, averments made in civil application and applicant undertakes to file private paper book within four weeks from today, I am satisfied that applicant has made out the case for allowing the civil application.

6 Hence, the following order is passed:

ORDER

a) The delay in preferring the Civil Application is condoned.

b) Order dated 11.11.2014 passed by this Court is recalled.

c) Applicant to file private paper book within four weeks from today, failing which civil application shall stand dismissed without referring back to the court .

d) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed order.