

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

**CIVIL APPLICATION NO. 1459 OF 2015
IN
FIRST APPEAL NO. 2770 OF 2007**

The State of Maharashtra & Ors.

..Applicants
(Org. Opponent)

V/s.

Smt. Chandrakanta Oberoi

..Respondents
(Org. Claimants)

Mr. A.R. Patil, AGP for the applicant.

Ms. Vaibhavi Gole i/by Mrs. Pallavi H. Potnis for the
respondents

**CORAM : ABHAY S. OKA &
C.V. BHADANG, J.J.**

DATE : 22ND APRIL, 2015

P.C.

1. Heard learned AGP appearing for the applicant. First Appeal filed by the State Government was dismissed for non-prosecution, on account of failure of the State Government to file private paper book in terms of order dated 29th July 2010.

2. This application for restoration is opposed by the learned advocate for the respondent. The substantive appeal preferred by State Government has been dismissed on a technical ground of non-filing of private paper book. Reasons

have been assigned for the default. Considering the controversy involved in the appeal, the same is required to be heard on merits.

3. Accordingly, we allow the Civil Application in terms of prayer clauses (a) and (b) subject to the condition that the private paper book shall be filed by the Applicant within 6 weeks from today. If the compliance is not made by the applicant within the stipulated time, order of dismissal shall operate.

4. After the paper book is filed, appeal shall be added to appropriate weekly board.

[C.V. BHADANG, J.]

[ABHAY S. OKA, J.]