

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

CIVIL APPLICATION NO.3100 OF 2014
IN
FIRST APPEAL NO.1604 OF 2011

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. R. Salvi for the Applicant.

Ms. Sayli Bhaidkar i/b. A. G. Damle, Senior Advocate for the Respondent.

CORAM : K. K. TATED, J.

DATE : JANUARY 14, 2015

P.C.:

1. Heard. This application is preferred by original Defendant for restoration of the First Appeal No.1064/2011 which was dismissed in view of conditional order dated 02/09/2011 passed by this court for non filing of the paper book within one year.

2. The learned counsel for the Applicant submits that the paper book is ready. He further submits that the Applicant undertakes to file the same immediately if this court allows the present Civil Application.

3. The learned counsel for the Respondent vehemently opposed the present Civil Application. She submits that the Applicant has not shown sufficient cause for non compliance of the conditional order dated 02/09/2011. Hence, the Civil Application is required to be rejected.

4. It is to be noted that because of the mistake on the part of an Advocate a litigant should not suffer.

5. Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

6. Hence, the following order.

A) Time to comply with conditional order dated 02/09/2011 is extended by four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

B) The First Appeal is restored to file for hearing on its own merits.

C) Civil application stands disposed off accordingly.

JUDGE