

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

CIVIL APPLICATION NO.3203 OF 2013
IN
FIRST APPEAL NO.198 OF 2010

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

Mr. Harish R. Pawar for the Applicant
Mr. S. P. Thorat for the Respondent No.1.

CORAM : K. K. TATED, J.
DATE : JUNE 24, 2015

P.C.:

1. Heard. This Application is preferred by the Plaintiff for restoration of the First Appeal which was dismissed in view of conditional order dated 24/02/2011 passed by this court (Coram : A. S. Oka, J.) for non filing of private paper book.

2. The learned counsel for the Applicant submits that the Applicant undertakes to file private paper book within 4 weeks from today. Statement is accepted.

3. On the other hand, the learned counsel for the Respondent vehemently opposed the Civil Application. He submits that there is delay of more than 2 years in preferring the Civil Application. Delay is not explained satisfactorily by the

Applicant. There is no substance in the Civil Application. Hence, same be dismissed with costs.

4. Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in paragraph 3 and 4 of the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, the Applicant has to pay cost of Rs.2500/- to Respondent within 4 weeks from today.

5. Hence, the following order:

- a) First Appeal No.198/2010 is restored to file for hearing and final disposal.
- b) Time to comply with order dated 24/02/2011 passed by this court (Coram : A. S. Oka, J.) is extended by 4 weeks from today.
- c) The Applicant to pay cost of Rs.2500/- to the Respondent or their Advocate within 4 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.
- d) Civil application stands disposed off accordingly.

JUDGE