

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3348 OF 2015
IN
FIRST APPEAL NO.352 OF 2014

Pushpa Harikant Bhat	... Appellant
vs.	
Sureshchandra Gulzarilal Gupta	... Respondent

Mr. Abdul Shaikh, for the Appellant.
Mr. Deepak Jadhav, for the Respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **10th DECEMBER, 2015**

P.C.:

. This application is moved for restoration of the First Appeal and recalling the order dated 28th August, 2014 passed by this Court. The learned counsel for the Appellant submits that by the said order the copies of the private paper books were required to be filed within one year. He submits that he has filed two volumes of the paper book prior to the admission and thereafter he did not file and so the matter dismissed on the technical grounds.

2. The learned counsel for the Respondent opposes the application and he submits that he wants to file affidavit in reply after seeking instructions from his client who is at present out of station. He further submits that he has received notice yesterday only, so he could not contact his client.

3. The request made by the learned counsel for the Respondent for time to file reply is refused as there is no necessity as such, in this matter. The dismissal is on the technical ground. This is the First Appeal and it is filed in March, 2014. Therefore, the order dated 28th August, 2014 is hereby recalled. The First Appeal is restored to its original file along with the Civil Application if any.

4. The Appellant is directed to file a fresh private paper book within a period of four weeks. The copy of the same will be served on the Respondent.

(MRS.MRIDULA BHATKAR, J.)