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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3454 OF 2015
IN
FIRST APPEAL NO.715 OF 2012**

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. Abhinav Chandrachud with Mr. Shailendra Singh, advocates, i/by J. P. Consulta, for the applicant.
Mr. R. R. Sharma, for respondent.

CORAM : K.K.TATED, J.
DATED : 30/01/2015

- . Heard learned counsel for the parties.
2. This Civil Application is preferred by the appellant for condonation of 403 days delay and for restoration of First Appeal No.715 of 2012, which was dismissed for non compliance of conditional order dated 22nd August, 2012, passed by this Court. The learned counsel for the appellant submits that the paper book is ready. They undertake to file the same within four weeks from today.
3. Considering the submissions made by learned counsel for the appellant and the avernments made in Civil Application, I am

satisfied that applicant has made out a case for allowing the Civil Application. At the same time the applicant is to pay costs of Rs.5,000/- to the respondent within four weeks from today, failing which, this Civil Application shall stand dismissed without referring back to the Court. Hence following order.

Order

- i) The delay caused in preferring this Application is condoned.
- ii) Four weeks time is granted from today to the applicant to comply the order dated 22nd August, 2012, passed by this Court i.e. for filing paper book.
- iii) The applicant to pay costs of Rs.5,000/- to the respondent within four weeks from today, failing which, this Civil Application shall stand dismissed without referring back to this Court.
- iv) The payment of costs is a condition precedent and the applicant to place on record the receipt to that effect.
- v) Civil Application is disposed of accordingly.

(K.K.TATED, J.)