

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

**CIVIL APPLICATION NO. 1347 OF 2015
IN
FIRST APPEAL NO. 1338 OF 2010**

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. Sanjay Shinde for the applicant.
None for the respondents.

**CORAM : K. K. TATED, J.
DATED : 24/07/2015.**

P.C.:

- . Heard learned Counsel for the applicant.
- 2 Though the respondents are duly served, no one appeared on behalf of them when the matter called out.
- 3 This application is preferred by the claimant for restoration of First Appeal no. 1338 of 2010 which was dismissed in view of conditional order dated 30.08.2010 passed by this Court for non filing of private paper book within stipulated time.
- 4 The learned Counsel for the applicant submits that the applicant no.1 was suffering from Psychosis. To that effect, he has placed on record the prescriptions issued by Dr. B.S.V. Prasad, Nashik in 2010. He submits that the earlier Advocate failed

and neglected to inform the applicant about the order passed by this Court for filing of private paper book within stipulated time. Hence, there is a delay in preferring the present Civil Application.

5 The learned Counsel for the applicant submits that applicant undertakes to file private paper book within four weeks from today. The statement is accepted.

6 Considering the submissions made by learned counsel for the applicant, reasons disclosed in paragraph 4 of civil application and as the applicant undertakes to file private paper book within four weeks from today, I am satisfied that applicant has made out the case for allowing the civil application. At the same time, applicant to pay cost of Rs.5000/-.

7 Hence, the following order.

a) Delay in filing present Civil Application is condoned.

b) First Appeal no. 1338 of 2010 is restored on file.

c) Applicant is granted four weeks time from today to comply the order dated 30.08.2010 passed by this Court i.e. filing of private paper book, failing which civil application shall stand dismissed without referring back to the court .

d) Applicant to deposit cost of Rs.5000/- in the office of **Maharashtra State Legal Services**

Authority within three weeks from today, failing which civil application shall stand dismissed without referring back to the court .

e) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)