

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2326 OF 2013  
IN  
FIRST APPEAL NO.705 OF 2010**

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| 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.Nitin P. Dalvi i/b Mr.Abhaysingh A. Shinde  
for the applicant

Mr.Rahul Walvekar for the respondent

**CORAM : K.K.TATED, J.**  
**DATED : 07/08/2015**

**PC:**

- 1 Not on board. By consent of both the parties, , matter is taken on board for hearing.
- 2 This application is for restoration of First Appeal No.705 of 2010 which was dismissed on 15.10.2013 for non-compliance of order dated 20.10.2010 passed by this court (Coram: A.P.Bhangale, J.) for non-filing of private paper book within stipulated time.
- 3 The learned counsel for the applicant undertakes to file private paper book within four weeks from today.
- 4 Statement is accepted.
- 5 Considering the submissions made by the

learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a) First Appeal No.705 of 2010 is restored on file.
- b) To comply the order dated 20.10.2013, time is extended till 10.9.2015 i.e. filing of private paper book failing which Civil Application shall stand dismissed without referring back to the court.
- c) Applicant to pay cost of Rs.15000 to the respondent or their advocate within four weeks from today, failing Civil Application shall stand dismissed without referring back to the court.
- d) Civil application stands disposed off accordingly.

**(K.K.TATED, J.)**