

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

**CIVIL APPLICATION NO.3098 OF 2014
IN
FIRST APPEAL NO.14 OF 2008
WITH
CIVIL APPLICATION NO.506 OF 2016**

Shri Dattatraya Dnyandeo Patil .. Applicant
V e r s u s
Shri Raghunath Maruti Chougule and Others .. Respondents

Mr. Wasim Samlewale i/b Umesh Mankapure for the Applicant.
Mr. Kuldeep J. Pawar for Respondent No.1.
Mr. G.M. Lokesh i/b G.S. Hegde & Associates for Respondent No.3.
Mr. Devendranath S. Joshi i/b I.R. Kulkarni for Respondent Nos.5 and 6.

CORAM : K.K. TATED, J.

DATE : 18 FEBRUARY 2016.

P.C. :

1 Heard the learned Counsel for the parties. This application is preferred by the owner of the offending vehicle for complying the order dated 9 January 2008, by which this Court had directed the Applicant to file the private paper book within one year.

2 The learned Counsel for the Applicant submitted that inadvertently, it remained on their part to comply the said order. He submitted that the Applicant undertakes to file the private book within a period of four weeks from today.

3 Considering the submissions made by the learned Counsel for the Applicant and as the Applicant is ready and willing to file the private paper book within a period of four weeks from today, I am satisfied that the Applicant has made out case for allowing this Civil Application. At the same time, the Applicant to pay the cost of Rs.10,000/- to Respondent No.1 or his Advocate and/or deposit with the Registry within four weeks from today, failing which, the Civil Application shall stand dismissed, without referring back to the Court. Hence, the following order.

: O R D E R :

{A} The delay in preferring the Civil Application is condoned.

{B} Time is extended till 31 March 2016 to comply the order dated 9 January 2008 i.e. filing of paper book.

{C} First Appeal No.14 of 2008 is restored on file for hearing.

{D} Applicant either to pay to Respondent No.1 Raghunath Maruti Chougule or his Advocate and / or deposit the sum of Rs.10,000/- by way of cost in the Registry within four weeks from today, failing which, the Civil Application shall stand dismissed, without referring back to the Court.

{E} If the amount is deposited in the Registry, Respondent No.1 Raghunath Maruti Chougule is entitled to withdraw the same, without furnishing any security.

{F} Civil Application stand disposed of accordingly.

(K.K. TATED, J.)