

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1032 OF 2016
IN
FIRST APPEAL (ST) NO. 22248 OF 2014

Sanjaykumar Pandurang Banur

.....Applicant/
Appellant/
Orig. Respondent.1

V/s.

1. Sinabai Shivaji Rathod & Ors.

.....Respondents

* * * * *

Mr. Sarang S. Aradhye, Advocate for the applicant.

Coram :- Smt. R.P. SondurBaldota, J.

1st April, 2016.

P.C. :-

1). This Civil Application is taken out for restoration of Civil Application No. 4199 of 2014 which was dismissed pursuant to the conditional order passed by the Registrar (Judicial-II) directing the applicant to remove office objections and supply extra copies for the purpose of service upon the respondents. The applicant had moved the Court for interim relief on 30th June, 2015. By the order passed on that day, Rule had been issued returnable after 10 weeks. The applicant, however, did not supply copies of the proceeding to the office for the purpose of service. Thereafter, further time of 2 weeks was given to the applicant by the Registrar, Judicial-II on 29th September, 2015. Even

this opportunity was not taken by the applicant and consequently the application came to be dismissed. The only explanation for non-compliance stated in the Civil Application, is oversight on the part of the Advocate.

2). The explanation stated is far from satisfactory. It is the case of sheer negligence. However, I am inclined to allow the Civil Application by subjecting the applicant to costs quantified at Rs.10,000/- to be paid to the Maharashtra Legal Services Services Authority within a period of 2 weeks from today, so that the applicant does not suffer on account of the inaction on the part of the Advocate. The Civil Application is allowed in terms of prayer clause (b) on condition that the applicant deposits sum of Rs.10,000/- with the Maharashtra Legal Services Authority within a period of 2 weeks from today. The applicant shall supply copies of the proceedings to the office within a period of one week from the date of payment of costs. In the event of due compliance with the order, the returnable date of the notice will stand extended till 29th April, 2016. In the event, the applicant fails to pay the costs within the time granted, the Civil Application will stand dismissed without any further reference to the Court.

(SMT. R.P. SONDURBALDOTA, J)