

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

**CIVIL APPLICATION NO.1482 OF 2014
IN
FIRST APPEAL NO.402 OF 2007**

**Mangal Dilip Gurav and ors. : Applicants.
Versus
Sarjerao Keshav Phasale and anr. : Respondents.**

**Mr. V A Shastry for the Applicants.
Mr. D D Shinde for the Respondent No.2.**

**CORAM : R. M. SAVANT, J.
DATE : 17th June 2016**

P.C.

1 The above Civil Application has been filed for restoration of the above First Appeal which has stood dismissed for non-prosecution on account of non-compliance of the order dated 22/01/2007 in the matter of filing of private paper book. The reasons for the delay of 6 years and 8 days in filing the application have been mentioned in the above Civil Application.

2 The Respondents have filed their affidavit in reply. The learned counsel appearing on behalf of the Respondent No.2 Shri D D Shinde opposes the application but ultimately leaves it to the Court.

3 Since the First Appeal stood admitted when it was dismissed for non-prosecution on account of the technical ground of non-filing of the private

paper book. In my view, the interest of justice would be met if the above First Appeal is restored to file. The above Civil Application is accordingly allowed. The above First Appeal is accordingly restored to file. The learned counsel appearing on behalf of the Applicants/Appellants to file private paper book within 4 weeks from date. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]