

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

**CIVIL APPLICATION NO.2919 OF 2016
IN
FIRST APPEAL NO.850 OF 2012**

**Pralhad Jagannath Javale and ors. : Applicants.
versus
Smt. Sitabai Chander Nikam and ors. : Respondents.**

**Ms. R M Khairnar i/by Mr. P N Joshi for the Applicants.
Mr. M M Sathaye for the Respondent No.9.**

**CORAM : R. M. SAVANT, J.
DATE : 08th August 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 the conditional order dated 23/09/2016 passed by the learned Registrar (Jud-II) of this Court. The Applicants also pray for condonation of delay in filing the above Civil Application.

2 The learned counsel appearing on behalf of the Respondent No.9 Shri M M Sathaye opposes the above Civil Application, but ultimately leaves it to the Court.

3 In my view, having regard to the reasons set out in the above Civil Application for restoration, the above First Appeal along with the Civil

Application for condonation of delay in filing the First Appeal would have to be restored to file. Since the valuation of the First Appeal is in the sum of Rs.16,67,550/-, the same would have to be remitted to the District Court, Nashik. The Office is directed to remit the above First Appeal along with the Civil Application for condonation of delay in filing the First Appeal, to the District Court, Nashik.

4 The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]