

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

CIVIL APPLICATION NO. 3743 OF 2016
IN
FIRST APPEAL NO. 1245 OF 2012

Lalji Gopal Parmar & Ors.	.. Appellant/Applicants
Vs.	
Union of India	.. Respondent

Mr. Kuldip Singh for the Appellant/Applicants.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 26th AUGUST, 2016.

P. C. :

1. This is an application seeking restoration of Civil Application by condoning the delay of 4 years 303 days. It is submitted that, as per the order passed by this Court on 06.05.2010, the applicants were directed to pay Bhatta charges for service of notice on respondent. The applicants, due to poverty, could not do the same and hence, the application came to be dismissed in view of the conditional order.
2. The affidavit of service is filed by the learned counsel for the applicants stating therein that the copy of this application was duly served on the respondent. However, today none present.
3. In view thereof, in the larger interest to achieve the substantial cause of justice, this application is allowed. The delay in preferring the

restoration application is condoned. The application is restored to its original file. The applicants are directed to pay the Bhatta charges for service of notice on respondent within two weeks. On Bhatta being paid, notice be issued to the respondent returnable thereafter four weeks.

4. S. O. to 10.10.2016.

[DR. SHALINI PHANSALKAR-JOSHI, J.]