

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

**CIVIL APPLICATION NO.3628 OF 2016
IN
FIRST APPEAL STAMP NO.10490 OF 2013
(Rejected Case No.2354 of 2013)**

Anant Gopal Joshi & Anr. : Applicants.

In the matter between

Anant Gopal Joshi & Anr. : Appellants.

Versus

K.S.R.T.C. And anr. : Respondents.

Mr. Bhushan Walimbe for the Applicants.

**CORAM : R. M. SAVANT, J.
DATE : 08th August 2016**

P.C.

1 The above Civil Application has been filed for restoration of the First Appeal and the Civil Application for condonation of delay in filing the First Appeal which has stood dismissed for non-prosecution on account of the conditional order dated 13/08/2013 passed by the learned Registrar (Judl-II) of this Court. The Applicants also pray for condonation of delay in filing the above Civil Application.

2 The said conditional order mandated the Applicants to produce the Power of Attorney of the Applicant No.2. Since the Power of Attorney was filed in the companion First Appeal No.378 of 2013, the same could not be

produced in the instant Appeal.

3 In my view, having regard to the reasons mentioned in the above Civil Application, especially in paragraphs 4 and 5 thereof, a case for restoration of the above First Appeal and the Civil Application for condonation of delay in filing the above First Appeal is made out. The above Civil Application is accordingly allowed. Resultantly, the above First Appeal and the Civil Application for condonation of delay in filing the above First Appeal are restored to file. The above Civil Application is accordingly disposed of.

4 On restoration issue notice to the Respondents in the Civil Application Stamp No. 10491 of 2013 for condonation of delay in filing the above First Appeal, returnable ON 9/09/2016. In addition to service of notice through Court, the advocate for the Applicant shall serve a private notice by Registered Post A.D. and/or by Courier service and/or by hand delivery on the Respondents and shall file affidavit of service before the returnable date.

[R.M.SAVANT, J]