

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3744 OF 2008
IN
FIRST APPEAL NO.180 OF 2001

Aniz Ahmed Nazir Ahmed Shaikh ... Appellant
vs.
Afzal Hussein Nazir Ahmed Shaikh
and Another ... Respondents

Mr. Dilip Bodake, for the Appellant.
Mr. M.M. Bagadia, for the Respondents.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 26th FEBRUARY, 2016

P.C.:

. The learned counsel appearing for Respondent Nos. 1 and 2 is present. An affidavit in reply is filed by Respondents/Defendant Nos. 1 and 2 opposing the application for setting aside the conditional order dated 17th June, 2003 passed by the Additional Registrar of this Court. He submits that this application was dismissed because it was shown that Bhatta was not paid in time. The learned counsel for the Applicant submits that in fact Bhatta as well as printing charges were paid however, it was not shown and hence it was dismissed.

2. The learned counsel for the Respondents opposes this application.

3. The civil application is pending on the file since 2008. The First Appeal No. 180 of 2001 is already admitted which is filed against Suit No. 4909 of 1985. Considering this backlog, I allow the present civil application and set aside the order dated 17th June, 2003 passed by the Additional Registrar, High Court, Bombay on condition that the Applicant to pay the cost of Rs. 10,000/- to Respondent Nos. 1 and 2 equally. The cost is to be paid on or before 8th March, 2016 to the Respondents.

4. Accordingly Civil Application stands disposed of.

5. The Appeal is restored to its original file. Liberty to file private paper book is granted to the Appellant and thereafter the matter is to be listed on the board of final hearing. The copy of the private paper book is to be served on the other side in advance.

(MRS.MRIDULA BHATKAR, J.)