

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

CIVIL APPLICATION NO.2723 OF 2016

IN

FIRST APPEAL NO.1010 OF 2013

Nandkumar Motilal Singhvi

.. Applicant

Versus

Narayan Madu Patil

.. Respondent

Mr. Bhushan Walimbe for the Applicant.

Mr. Vivek Salunkhe for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 21st JUNE 2016

PC.

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 02.09.2015 passed by the Learned Registrar (Judicial-II) of this Court. The non-compliance of the said order was in the matter of supplying copies and depositing printing charges. The Learned Counsel Mr. Vivek Salunkhe opposes the application, but ultimately leaves it to this Court. It is required to be noted that the above First Appeal was admitted on 23.09.2013 and has thereafter been dismissed for non-prosecution on account of the conditional order dated 02.09.2015.

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2. In my view, therefore, since the First Appeal has been dismissed for a technical reason, the same is required to be allowed and is accordingly allowed. The First Appeal is accordingly restored to file. The above Civil Application is disposed of. The Applicant to pay costs of Rs.3000/- to the Respondent represented by Mr. Vivek Salunkhe within four weeks from date.

[R.M. SAVANT, J]