

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

**CIVIL APPLICATION NO.183 OF 2016
IN
FIRST APPEAL NO.648 OF 2002**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms.Bhavana Khemani i/b Mr.Anil Ahuja for the applicant

Mr.A.R.Patil, A.G.P. for the State

CORAM : K.K.TATED, J.
DATED : 19/01/2016

PC:

1 Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 This application is preferred by claimant for restoration of First Appeal No.648 of 2002 which was dismissed for non-compliance of conditional order dated 20.3.2015 i.e. filing of private paper book.

3 The learned counsel for the applicant submits that inadvertently paper book was not filed stipulated time. She submits that applicant undertakes to file private paper book within 12

weeks from today.

4 Considering the submissions made by the learned counsel for the applicant and as applicant is ready and willing to file private paper book within 12 weeks, I am satisfied that the applicant has made out a case for following order :

- a) Delay in preferring Civil Application is condoned.
- b) Order dated 20.3.2015 is recalled by which the First Appeal No.648 of 2002 stand rejected.
- c) First Appeal No.648 of 2002 is restored on file for hearing on its own merits.
- d) 12 weeks time is granted to the applicant claimant from the date of this order to file private paper book and serve copy on the other side, failing which First Appeal No.648 of 2002 stand dismissed without referring back to the court.
- e) Applicant to pay cost of Rs.1500/-.
- f) Cost to be deposited in the office of the Maharashtra State Legal Services Authority within four weeks from today.
- g) Civil Application is disposed of accordingly.

(K.K.TATED, J.)