

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

**CIVIL APPLICATION NO.2935 OF 2015
IN
FIRST APPEAL NO.621 OF 2010**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr.Chetan Damle i/b Mr.Sudam Kale for the applicant

CORAM : K.K.TATED, J.
DATED : 14/01/2016

PC:

- 1 Heard the learned counsel for the applicant.
- 2 Though respondents are duly served, no one appeared on behalf of them when the matter was called out.
- 3 This application is for restoration of First Appeal No.621 of 2010 which was dismissed in view of conditional order dated 23.4.2010 for non-filing of private paper book within stipulated time.
- 4 The learned counsel for the applicant submits that applicant undertakes to file private paper book within two weeks from today. Same is accepted.
- 5 The learned counsel for the applicant submits that in the interest of Justice, this Hon'ble Court be pleased to condone the delay and allow the

applicant to file private paper book. He submits that if same is not allowed, irreparable loss and injury will be caused to the applicant.

6 Considering the submissions made by the learned counsel for the applicant, the averments made in Civil Application and as applicant undertakes to file private paper book within two weeks from today, I am satisfied that the applicant has made out a case for allowing Civil Application. Hence, following order is passed:

- a) Order dated 23.4.2010 passed by this court is recalled to the extent of dismissal of First Appeal.
- b) First Appeal No.621 of 2010 is restored on file.
- c) Applicant to file private paper book within two weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.
- d) If private paper book is filed within stipulated time as stated hereinabove, office is directed to verify whether the claim in the present First Appeal is below Rs.10 lacs. If it is so, office to take appropriate steps as per section 28-b of the Civil Court Act.
- e) Civil Application is disposed of accordingly.

(K.K.TATED, J.)