

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2841/2014
IN
FIRST APPEAL NO. 1800/2010

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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Mr. Y. R. Mishra with Purnima Awasti with Upendra Lokegaonkar for the Applicant
Mr. Jaswant Singh for the Respondent Nos.1 and 2.

CORAM : K. K. TATED, J.

DATE : JANUARY 27, 2016

RC.:

1. Heard. This Application is made by the Union of India for restoration of the First Appeal which was dismissed for non compliance of order dated 13/12/2010 i.e. non filing of paper book.

2. The learned counsel for the Applicant submits that inadvertently, it remained on their part to comply with the said order. He submits that they made Civil Application No.1943/2014 which was allowed and time was granted to file paper book. There was delay on their part to file paper book. Hence, the present Civil Application is filed. He submits that the Applicant has good chance of success. He submits that in the interest of justice,

this Hon'ble Court be pleased to condone the delay in filing the paper book and restore the matter to file for hearing on merits.

3. On the other hand, the Respondent-claimant opposed the Civil Application. He submits that there is no substance in the Civil Application for condonation of delay in filing the paper book as per order passed by this court on 13/12/2010. Same be dismissed with costs.

4. Considering the explanation given in the Civil Application as to why the Applicant took such time to file paper book, I am of the opinion that the Applicant has made out a case to restore the First Appeal for hearing on merits. At the same time, the Applicant has to pay cost of Rs. 2500/- either to the Respondent or deposit in this court within 6 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

5. Hence, following order is passed:

a. The First Appeal is restored to file for hearing on merits.

- b. Paper book filed by the Applicant shall be treated within time.
- c. The Applicant to pay cost of Rs.2500/- either to the Advocate for the Respondent or deposit in the Registry within 6 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.
- d. If cost is deposited within stipulated time as stated hereinabove, the Respondent-claimant is entitled to withdraw the same without furnishing any security.
- e. Civil application stands disposed off accordingly.

JUDGE