

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

***CIVIL APPLICATION NO. 437 OF 2016
IN
SECOND APPEAL NO. 469 OF 2010***

Mr.Mukhtar A. Bharmar

... Applicant

v/s

1. Smt.Premlata Shantilal Jain & ors.

... Respondents

Ms.Sneha Sanap i/by S.K.Shinde for the applicant.

None present for the respondents.

Coram: N.M. Jamdar, J.

Dated: 24 June 2016

P.C.:

The Applicant seeks restoration of the appeal which was dismissed for default by order dated 22 December 2011. The application is filed for condonation of delay. The delay is of three years and ten months in filing the appeal.

2 Considering the facts and circumstances and the Appellant should not suffer, the application is allowed in terms of prayer clauses (a), (b) and (c), subject to the cost of Rs.3000/- to be paid to the Legal Services Authority, within a period of three weeks from today.

If the costs is not paid within the stipulated period, the order dated 22 December 2011 will stand restored.

3 When the appeal will be taken up for hearing, no request for an adjournment, on behalf of the Appellant, will be entertained.

(N. M. Jamdar, J.)