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

**CIVIL APPLICATION NO.4309 OF 2016**  
**IN**  
**FIRST APPEAL NO.717 OF 2005**

|                                                        |                 |
|--------------------------------------------------------|-----------------|
| Narayan Khimji Parmar                                  | .... Applicant  |
| V/s.                                                   |                 |
| Hafkin Institute for Training, Research<br>and Testing | .... Respondent |

Ms. Aparna Murlidharan, I/by Prakash G. Lad, for  
the Applicant.  
Ms. Naina Duttia, for the Respondent .

**CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.**

**DATE : 04<sup>th</sup> OCTOBER, 2016.**

**P.C. :**

1. This application is for seeking restoration of the appeal which came to be disposed of for non compliance of the order dated 31<sup>st</sup> July, 2016. As per the said order, appellant was directed to file paper book alongwith sufficient number of copies within a period of six months. It was specifically stated therein that if the paper book is not filed within the stipulated period, appeal will be dismissed for want of prosecution without further reference to this Court.

2. It is admitted position on record that in pursuance to the said

order dated 31<sup>st</sup> July, 2016, the paper book was neither filed within the stipulated period nor it has been filed till date.

3. The only explanation offered is that the appellant's then advocate has not noted the said order through oversight. Such explanation cannot be accepted, considering that the name of appellant's advocate is not mentioned in the application and further considering that there is inordinate delay of more than 10 years in filing said application.

4. In view of the above, Civil Application for restoration of appeal stands dismissed.

**[DR. SHALINI PHANSALKAR JOSHI, J.]**