

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1250 OF 2014
IN
FIRST APPEAL NO. 691 OF 2010**

Peter Victor Lop & Ors

..Applicants

Vs.

Mathew Sylvester Rodrigues & Ors

..Respondents

Mr. R.R. Salvi for the Applicants

Mr. V. M. Bhate for the Respondents

CORAM : R. M. SAVANT, J.

DATE : 21st JULY, 2016

P.C.

1 The above Civil Application has been filed for restoration of the above First Appeal which has stood dismissed for non prosecution on account of the conditional order dated 11-6-2010 passed by a Division Bench of this court directing the Appellants to file private paper book within a particular time. Since the private paper book was not filed, the Appeal stood dismissed for non prosecution. The above Civil Application has been filed in the year 2010 itself. However, has been numbered in the year 2014. There is a delay of about 36 days in filing the above Civil Application. The reasons therefor are mentioned in paragraph 7 of the above Civil Application.

2 In my view, since the Appeal had stood admitted when it was dismissed for non prosecution, it would be just and proper to accept the

reasons mentioned in the above Civil Application for the delay caused in filing the same. The Civil Application is accordingly allowed resultantly the First Appeal is restored to file. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]