

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

**CIVIL APPLICATION NO.252 OF 2015
IN
FIRST APPEAL NO.576 OF 2010**

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

Mrs.Jaya U. Pawar for the applicant

None for the respondent

CORAM : K.K.TATED, J.
DATED : 25/01/2016

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 preferred by claimant for restoration of First Appeal No.576 of 2010 which was dismissed in view of conditional order dated 26.9.2011 passed by this court for non filing of private paper book.
- 4 The learned counsel for the applicant submits that inadvertently it remained on the part of the applicant to comply the order dated 26.9.2011. She submits that applicant undertakes to file

private paper book within four weeks from today.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a) Order dated 26.9.2011 is recalled to the extent of dismissal of First Appeal for non compliance of conditional order.
- b) First Appeal No.576 of 2010 is restored on file for hearing on its own merits.
- c) Applicant to file private paper book within four weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.
- d) Civil application stands disposed off accordingly.

(K.K.TATED, J.)