

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Civil Application NO. 4023 OF 2015

IN

First Appeal NO. 425 OF 2010

Mrs. Rehana Abdeali Kesuri

...Appellant

Versus

Mr. Laxman Jeevan Parmar

...Respondent

Mr.Dattatray Prakash Adarkar, for the Appellant.

Mr.Nandesh A.Manekh, for the Respondents.

CORAM : G. S. KULKARNI, J.**DATE : 23rd NOVEMBER, 2016.**

P. C. :

1. Leave to amend to incorporate a prayer seeking condonation of delay. Amendment be carried out forthwith.

2. Heard the learned Counsel for the Appellant. This application has been taken out seeking restoration of the first appeal which was dismissed in pursuance of order dated 29 March 2010 whereby the Appellants were directed that the paper book and decree forms be filed within one year from the date of the said order failing which the appeal would stand dismissed without further reference to the Court.

3. I have perused the averments as made in the application. From the averments it appears that the Applicant was diligent, however, due to certain reasons which could not be attributed to the applicant, the order could not be complied with. Application thus deserves to be allowed.

4. The Application is accordingly allowed in terms of prayer clause (a) and (a-1). Delay as prayed for is condoned. The appeal is restored to file. However, the same shall be subject to payment of cost Rs.2500/- to be paid to the Respondent. The cost be paid within a period of two weeks from today.

5. Learned Counsel for the Appellant also undertakes to file private paper book and serve the same on the Respondent within a period of two weeks from today, failing which this appeal shall stand dismissed without further reference to the Court.

6. Civil application is disposed of in the above terms.

[G. S. KULKARNI, J.]