

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CA0) NO.215/2015

IN

MISC.CIVIL APPLICATION (ST) NO. 39/2015

IN

SECOND APPEAL NO. 480/2009

(Shri Mukhtyar Ahmed s/o Mohamad Hanif and others vs.Smt. Rahematbi wd/o Mohammad Hanif (Dead) Tyhrough LR's and others)

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

Court's or Judge's order

.....
Mr. S.C. Sangamnekar, Advocate for appellants /applicants

CORAM: A.B.CHAUDHARI, J.

DATED : 23rd March, 2016.

CA.(O) NO. 215 /2015

Heard.

For the reasons stated in paragraph Nos. 4 to 6 of the Application, the delay of 304 days in filing the Misc. Civil Application is condoned. Civil Application is allowed.

MCA (ST) No. 39/2015

This is an Application for restoration of Second Appeal that was dismissed for non-compliance of the order dated 5.2.2014. The order stated that the paperbook was not filed within time nor the cost was paid. Mr Sangamnerkar, learned counsel states that in fact the paperbook is ready and costs would also be paid.

In my opinion, the Appeal which was admitted, cannot be buried for not filing the paperbook. In that

view of the matter, MCA is allowed. Second Appeal is restored to its original position. Paperbook be filed so also the costs of Rs. 500/- shall be paid, within four weeks.

Mr. Sangamnerkar, learned Advocate to inform this order to the respondents in writing.

JUDGE

sahare