

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 11391 OF 2013 IN FA/2570/2010

M S R T C AHMEDNAGAR THROUGH ITS THE DIVISIONAL MANAGER
VERSUS
TARABAI DEVRAM THUBE AND OTHERS

...

Advocate for Applicant : Mr. M. K. Goyanka.

Advocate for Respondents : Mr. T. S. Lodhe h/f. Mr. S. S. Shete.

...

CORAM : K.K. SONAWANE, J.

DATED : 29TH NOVEMBER, 2017.

Order :-

Heard learned counsel for applicant and learned counsel for respondents. Perused the application. It reveals that first appeal filed on behalf of applicant came to be dismissed for non production of private paper book within stipulated period as directed by this Court under Order dated 20-12-2010.

2. Learned counsel for applicant submits that the matter pertains to the motor accident claim and monetary liability was imposed on the appellant for the alleged accident. Moreover, he submits that private paper book into the matter will be filed within period of three months from the date of this Order.

3. In view of nature of subject matter and aforesaid submission as well as the reasons mentioned in application, I find it justifiable to extend one more reasonable opportunity to the applicant to pursue the appeal for substantial justice. The application deserves to be allowed. Hence, civil application stands allowed in terms of prayer clause 'B'. The impugned order of dismissal of appeal passed by Registrar of this Court dated 09-07-2013 is hereby recalled. The proceedings of First Appeal No. 2570 of 2010 be restored at it's original stage, subject to condition that the private paper book will be produced in the matter within three months from the date of this order, failure to which, present order shall stand vacated automatically without further reference to this Court. The Registry to take note about the same and do the needful for further process. Accordingly, civil application stands disposed of in above terms.

**[K. K. SONAWANE]
JUDGE**