

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1029 OF 2009
IN
REJECTED CASE NO. 91 OF 2017
FIRST APPEAL (STAMP) NO. 13878 OF 2006

The State of Maharashtra & Anr. .. Applicants /Appellants
vs.
Radhakisan L. Bombale .. Respondent

Mr. Yogesh Dabke – AGP for Applicants / Appellants.
Ms Avanti Inamdar i/b Mr. R. N. Gite for Respondent.

CORAM : M. S. SONAK, J.
DATE: 14 FEBRUARY 2017

P.C :

1] This civil application is for restoration of first appeal (stamp) no. 13878 of 2006. The first appeal was dismissed on account of delay in deposit of court fees. Mr. Dabke - learned AGP now states that the court fees amount has been deposited, though, after a considerable delay.

2] Ms Inamdar, who is to earlier appear for respondent states that since the dismissal of the appeal, they have lost all contacts with the respondent. She submits that in fact they addressed a communication to the respondent, which has been returned unserved with the remark that the addressee has left the house. In such a circumstances, she submits that in case appeal is to be

restored, the appellants should be directed to effect fresh service upon the respondent. The request is quite reasonable.

3] The appeal is restored subject to payment of costs of Rs.10,000/- (Rupees Ten Thousand) within a period of four weeks from today. In case the amount of costs are not paid / deposited in this court within a period of four weeks from today, this restoration application shall be deemed to have been dismissed.

4] Further, after the deposit of costs in this court, the applicants / appellants to take steps to serve the respondent. Such steps should be taken within a period of four weeks from the date of deposit of costs. If no steps are taken, the appeal to once again stand dismissed for non prosecution without any further reference to this court.

5] Civil application is disposed of.

(M. S. SONAK, J.)