

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1912 OF 2017
IN
FIRST APPEAL NO. 955 OF 2015

Shantikishore Balak Krushna Mantri ... Applicant
Vs.
Tukaram Kedaro Shewale & Anr. ... Respondents

Mr. Rajesh S. Jadhav, Advocate for the applicant.
Ms. Chetna Ostwal i/b. Mr. Yuvraj P. Narvankar, Advocate for the respondents.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **27th September, 2017.**

P.C.:

Upon urgent mentioning, taken on production board.

2. Amendment in the prayer is allowed forthwith.
3. This Civil Application is moved for restoration of First Appeal No. 955 of 2015 which was dismissed for want of compliance by order dated 17th December, 2015 passed by the Registrar (Judicial-II).
4. The learned counsel for the applicant submitted that the applicant was directed to supply the copies and pay bhatta charges but due to non-compliance of the order, First Appeal was dismissed.

He submitted that thereafter the applicant took out Civil Application No. 3726 of 2016 for restoration of First Appeal, however, the said Application was dismissed for default. Therefore, the applicant has taken out this Application for restoration.

5. The learned counsel for the respondent is present.

6. This Appeal is already admitted. The Application for restoration praying for setting aside the order dated 17th December, 2015 of dismissal of First Appeal is restored. There is no point in again taking up the first Application for restoration of First Appeal. By this, the original order of dismissal of First Appeal dated 17th December, 2015 is hereby set aside. First Appeal is restored to its original file. The appellant is directed to comply with the office objections including filing of paper book on or before 31st October, 2017. If the objections are not complied with and the private paper book is not filed within the stipulated time, the First Appeal will be dismissed without referring to the Court.

7. Civil Application is allowed and disposed of accordingly.

(MRIDULA BHATKAR, J.)