

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2352 OF 2017
IN
FIRST APPEAL NO. 1796 OF 2013**

Kolhapur National Education Society & Anr. ...Applicants

Versus

Mr.Vijay Sood ...Respondent

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Mr.H.S.Deshpande for the Applicants.

Mr.Nachiket V.Khaladkar for the Respondent.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: AUGUST 31, 2017**

P.C. :

1. This Civil Application is moved for restoration of First Appeal No. 1796 of 2013 and setting aside the order of dismissal of the said appeal, which was passed on 12.03.2014.

2. Learned counsel for the applicants submits that First Appeal No.1796 of 2013 was admitted by an order dated 12.03.2014. However, the learned Single Judge of this Court while admitting the appeal, passed a conditional order of filing private paper book within a period of one year, but the applicants failed to comply with the said order. He further submits that private paper book is ready and seeks permission to file the same in the Court. He further submits that due to inadvertence,

this order was unnoticed by the applicants and, therefore, the delay of two years and 100 days in filing the application for restoration be condoned.

3. Learned counsel for the respondent while opposing this application has submitted that there is a delay of more than 2 years and the private paper book ought to have been filed within a period of one year in compliance with the order of this Court. Hence, the application needs to be dismissed.

4. Heard submissions. First Appeal is already admitted. Private paper book is now ready. In view of the reasons mentioned in paragraph no. 7 of the Civil Application, the delay of 2 years and 100 days is condoned. Civil Application is allowed. The order of dismissal is set aside and the First Appeal is restored to its original file alongwith interim order. The applicants shall file private paper book on or before 08.09.2017.

5. Registry to take a note that this First Appeal is having pecuniary jurisdiction below Rs. 1 Crore and hence, it is to be transferred to the District Court, Pune, in view of the recent notification issued by the Law and Judiciary Department, Government of Maharashtra under

Maharashtra Civil Courts (Amendment) Act, 2015 bearing No. CCS.2014/C.R.25/D19 dated 31.8.2015.

6. In view of the above notification which has come into effect from 01.09.2015, the First Appeal be transferred to District Court, Pune after 08.09.2017.

7. Registrar (Judicial) to take note of the same and do the needful.

8. The First Appeal is disposed of as transferred.

(MRIDULA BHATKAR, J.)