

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

**FIRST APPEAL NO. 828 OF 2010
WITH
CIVIL APPLICATION NO. 3052 OF 2017
IN
FIRST APPEAL NO. 828 OF 2010**

RMEC Projects Limited ...Applicant

Versus

Larson and Toubro Limited ...Respondent

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Mr.Ketan Joshi a/w. Mr.S.R.Nargolkar for the Applicant.
Mr.F.Sayyed i/b. M/s. Manilal Kher Ambalal & Co. for the Respondent.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: SEPTEMBER 29, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This application is moved for restoration of the First Appeal.
3. Learned counsel for the applicant submits that this Appeal was admitted by order dated 28.07.2011 passed by this Court. He further submits that this Court had passed a conditional order of compliance that the private paper books are to be filed within a period of one year

from the date of the order. He further submits that the private paper books were already filed, however, it was not pointed out at the relevant time and the appeal was dismissed. Inadvertently, the application for restoration was not made within time and, therefore, he prays that the said appeal be restored.

4. Learned counsel for the respondent opposes the application for restoration of the Appeal. He submits that he wants to file reply opposing the application.

5. Though the respondent wants to file reply, I am of the view that it is not required because the appeal was already admitted and the private paper books were already on record. Undoubtedly, there is a delay of 6 to 7 years, however, for the applicant/ appellant whose appeal has already been admitted, should not suffer and hence, the First Appeal is restored to its original file. Civil Application is allowed in terms of prayer clause (a) and (b).

6. It is pointed out that the Suit is valued 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 31.08.2015.

7. In view of the above notification which has come into effect from 01.09.2015, the matter is transferred to District Court, Pune. Registrar (Judicial) to take note of the same and do the needful by 02.11.2017. Parties to appear before the District Court, Pune on 13.11.2017 at 11.00 a.m. Interim orders, if any, to continue till then.

8. The appeal is disposed of as transferred.

9. All concerned to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)