

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 3201 OF 2017**  
**IN**  
**FIRST APPEAL NO. 1430 OF 2016**

Rohitashwa Kumar Mittal

... Applicant

Vs.

Jawaharlal Jain (since decd.)  
through LR & Ors.

... Respondents

Mr. Pradeep Havnur i/b. Mr. S.S. Kharat, Advocate for the applicant.  
Ms. Meetal Savla i/b. Piyush M. Shah, Advocate for respondent no.  
1A.

**CORAM: MRS.MRIDULA BHATKAR, J.**  
**DATE: 10<sup>th</sup> October, 2017.**

**P.C.:**

Upon mentioning, taken on production board.

2. This Application is moved for restoration of First Appeal which was dismissed by conditional order dated 11<sup>th</sup> August, 2017 passed by Registrar (Judicial-II).

3. The learned counsel for the applicant submitted that the First Appeal is already admitted, however, for want of compliance of payment of printing charges, the conditional order was passed on 11<sup>th</sup> August, 2017, therefore, the Appeal was dismissed. The learned counsel further submitted that there is a delay of 7 days in filing the

Civil Application and hence, the same be condoned.

4. In view of the submissions of the learned counsel for the applicant, the conditional order dated 11<sup>th</sup> August, 2017 of dismissing the First Appeal is hereby set aside. First Appeal is restored to its original file. Delay of 7 days in filing the Application is condoned. The appellant shall deposit the printing charges within six weeks. If the printing charges are not deposited within the stipulated time, First Appeal shall stand dismissed without further referring to the Court.

5. Civil Application is allowed and is accordingly disposed of.

**(MRIDULA BHATKAR, J.)**