

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3881 OF 2018
IN
SECOND APPEAL NO. 650 OF 2011
WITH
CIVIL APPLICATION NO. 223 OF 2018
IN
X-OBJECTION STAMP NO. 32142 OF 2017

SAHEBRAO RAMDAS PATIL
VERSUS
USHABAI SHIVAJI PATIL

Advocate for Applicant : Mr. V.B. Patil.
Advocate for Respondent : Mr. N.N. Desale.
Advocate for Intervenor : Mr. L.V. Sangit.

CORAM : RAVINDRA V. GHUGE, J.
DATED : 19th March, 2018

PER COURT :

1. I have heard the learned advocate for the applicant who is the appellant in the Second Appeal No. 650/2011, and the non-applicant who is the respondent. This Court (Coram : N.W. Sambre, J.) has passed an order on 12/07/2017, that if the appellant does not file the paper book within six months, the Second Appeal would be dismissed. Since, the appellant did not file the paper book, the Second Appeal has been dismissed on 22/02/2018.

2. By this application, the appellant prays for restoration of the Second Appeal as the paper book is ready and can be filed even today.

3. Considering the above, the Civil Application is allowed on the following two conditions :

(a) The applicant/appellant would deposit an amount of Rs. 1,000/- with the Advocate Associations' Bar Library, High Court, Aurangabad, on/or before 28/03/2018.

(b) The paper book shall be deposited on/or before the same date.

4. After the compliance of above two conditions, the order of the Registrar dated 22/02/2018 shall stand recalled and the Second Appeal shall be restored at the stage at which it was dismissed, along with the interim orders. Needless to state, if any of the above conditions are not complied with, the order of the Registrar dated 22/02/2018 shall stand restored with effect from 02/04/2018.

5. Needless to state, Civil Application No. 223/2018, would also stand restored pursuant to the above order.

After the compliance of the above is done, list the Civil Application No. 223/2018, for hearing and orders on 06/04/2018.

(RAVINDRA V. GHUGE, J.)

S.P.C.