

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 250 OF 2018
IN
REJECTED CASE NO. 1351 OF 2017

Shri.Balkrishna Dinkar Kshirsagar ...Applicant

Versus

Shri.Shankar Rama Kshirsagar & Ors. ...Respondents

.....
Mr.Rushikesh C. Barge for the Applicant.

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CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **MARCH 06, 2018**

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This Civil Application is filed for restoration of Second Appeal, which was dismissed by order dated 4th January, 2017 passed by Registrar (Judicial-II).
3. The learned Counsel for the applicant submits that the Second Appeal was dismissed for non-compliance of the conditional order dated 4th January, 2017. He further submits that he was under impression that the objection in respect of non-filing of the

Vakalatnama has been removed. There is a delay of 389 days in filing the application for restoration. He prays that the delay be condoned and the conditional order be set aside, as the Appeal was dismissed before issuance of notice. He further submits that he will file Vakalatnama within a period of two weeks from today.

4. In view of the above submission, the conditional order dated 4th January, 2017 passed by Registrar (Judicial-II) is hereby set aside. Second Appeal is restored to its original file. Delay is condoned. The applicant to file Vakalatnama within a period of two weeks from today. If it is not filed within the stipulated time, the Second Appeal will be dismissed without reference to the Court.

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

(MRIDULA BHATKAR, J.)