

vks

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

**CIVIL APPLICATION NO.843 OF 2017
IN
FIRST APPEAL NO.425 OF 2010**

Rehana Abdaeli Kesuri	...	Appellant.
V/s.		
Laxman Jeevan Parmar	...	Respondent.

Mr. Dattatray P. Adarkar, for the appellant.
Mr. Mss. J.P. Thakur, for respondent.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 29th AUGUST, 2018.

P.C. :

1] This application is filed seeking restoration of the Appeal by condoning the delay of 71 days occurred in filing this application.

2] It is pointed out by learned counsel for respondent that earlier also, the Appeal came to be dismissed for default for non filing of the paper book within time and it was restored by this Court, vide order dated 23 November, 2016, passed in Civil Application No.4023 of 2017, subject to costs of Rs.2,500/-. Now again similar default is committed and therefore, this application should not be allowed without imposing heavy costs.

3] Considering that similar default is committed again of non furnishing paper book in time, normally this application should not be

allowed, especially considering that the applicant is a practicing advocate. However, in the interest of substantive cause of justice, application is allowed subject to payment of costs of Rs.10,000/- to be paid by the applicant to the respondent within three weeks from today and subject to filing the paper book within a period of one week from the date of this order.

4] On failure of the applicant to comply this order within the stipulated period, this application shall stand dismissed without further reference to this Court.

5] Application is disposed off.

[DR.SHALINI PHANSALKAR-JOSHI, J.]