

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 4178 OF 2017
IN
FIRST APPEAL NO. 623 OF 2007

Ashok Balwant Bhosale

... Applicant

Vs.

The State of Maharashtra & Ors.

... Respondents

Mr. Milind Parab i/b. Milind Parab & Associates, Advocate for the applicant.

Mr. A.R. Patil, AGP for the respondent/State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 10th January, 2018.

P.C.:

This Application is moved for restoration of First Appeal and for condonation of delay in filing this Application for restoration of Appeal.

2. The learned counsel for the applicant submitted that there is a delay of 9 years and 308 days for filing this Application for restoration of First Appeal. He submitted that the Appeal is admitted on 26th February, 2008, however, it is dismissed, as the paper book was not filed within the stipulated time. He submitted that inadvertently the paper book was not filed and now the appellant is ready to file the paper book within six weeks.

3. The learned AGP opposed this Application.
4. As the Appeal is already admitted on 26th February, 2008, the order of dismissal for want of compliance is hereby recalled. For the reasons mentioned in the Application, delay is condoned. First Appeal is restored to its original file. The applicant/appellant is directed to file paper book within six weeks. If the paper book is not filed within the stipulated time, the Appeal will be dismissed without further reference to the Court.
5. Civil Application is allowed and disposed of accordingly.

(MRIDULA BHATKAR, J.)