

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

**CIVIL APPLICATION NO.2464 OF 2018
IN
FIRST APPEAL NO.382 OF 2017**

Marvell Constructions Partnership
Firms and Ors.

.. Applicants

V/s.

Bhaskar Moreshwar Bhoir and Ors.

.. Respondents

Mr.Mukesh S. Pande for the applicants

Ms.Anusha Amin for the respondent no.1

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : AUGUST 14, 2018

P.C. :

1 Heard.

2 This Civil Application has been filed by the applicants original appellants for setting aside the order dated 17.04.2018 passed by learned Registrar (Judicial-II). By this order, two weeks time was granted to the appellants to supply the copies of the First Appeal for service on Respondent nos.1 to 4, failing which the First Appeal was to stand dismissed against Respondent nos. 1 to 4.

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3 It is also to be noted that even before this order was passed, on 09.02.2018, 05.03.2018 and 08.03.2018, this matter came up before the learned Registrar (Judicial-II) when no one appeared on behalf of the appellant.

4 The learned Advocate for the applicants / original appellants submitted before us that there was a lapse on his part for supplying the copies as recorded in the order dated 17.04.2018 passed by learned Registrar (Judicial-II). He has stated before us that he would supply the requisite copies as expeditiously as possible and in any event, within a period of two weeks from today.

5 Considering that the applicant's advocate has undertaken to this court to supply the requisite copies, we allow the Civil Application in terms of prayer clause (a) and (b) which reads thus:

“(a) The order of Registrar (Judl-II) dated 17th April 2018 may be set aside and 1st appeal may be restored and opportunity to pay the Bhatta and supply the copies of 1st Appeal to the respondent No.1 – 4 in the way of service thorough bailiff may be allowed.

(b) That there is delay of 50 days for filing present Civil Application may be condoned on the basis of above facts and circumstances for the interest of justice.”

6 It is made clear that the copies shall be supplied within a period of two weeks from today so as to enable the Registrar of this court to serve the First Appeal on Respondent nos.1 to 4.

7 The Appellants are also directed to pay cost of Rs.20,000/- in the office of the Kirtikar Law Library, High Court, Mumbai and file a receipt evidencing payment of the cost in the Registry of this court within a period of two weeks from today, failing which the present Civil Application shall stand dismissed without further reference to the court.

8 Civil Application stands disposed of in the aforesaid terms.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)