

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 4183 OF 2017
IN
FIRST APPEAL NO. 1377 OF 2005

Anjana Mahendra Jain (Solanki) & Ors. ... Applicants
Vs.
Rajaram Ganpat Velate & Anr. ... Respondents

Mr. C.M. Lokesh i/b. G.S. Hegde & Associates, Advocate for the applicants.

Ms. Poonam Lital, Advocate for respondent no. 2.

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, 4 months and 6 days for filing this Application for restoration of First Appeal. He submitted that the Appeal is admitted on 4th March, 2008, however, it is dismissed, as the paper book was not filed within three months from the date of the order. He submitted that inadvertently the paper book was not filed and now the appellant is ready to file the paper book within eight weeks.

3. The learned counsel for respondent no. 2 opposed this Application.

4. As the Appeal is already admitted on 4th March, 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 eight 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.)