

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION No. 4220 OF 2015**  
**IN**  
**FIRST APPEAL NO. 2458 OF 2005**

The Federal Bank Ltd. ... Applicant  
Vs.  
Sudesh Prabhakar Indulkar & Ors. ... Respondents

Mr, Hindadaya a/w. Mr. J.B. Navlani i/b. Kusumakar Kaushik, Advocate  
for the applicant.  
None for the respondents.

**CORAM: MRS.MRIDULA BHATKAR, J.**  
**DATE: 10<sup>th</sup> January, 2018.**

**P.C.:**

This Application is moved for restoration of First Appeal and setting aside the conditional order dated 13<sup>th</sup> March, 2006 of dismissal of First Appeal for want of compliance and further order of actual dismissal dated 10<sup>th</sup> October, 2012.

2. The learned counsel for the applicant submitted that the respondents are served and affidavit of service is filed. He submitted that the Appeal was admitted on 13<sup>th</sup> March, 2006 and conditional order was passed of filing of paper book within one year, failing which, the Appeal will be dismissed. The learned counsel submitted that the Appeal was dismissed on 10<sup>th</sup> October, 2012. He further

submitted that as the Appeal was admitted, the said order of compliance due to oversight remained to be complied with and hence there is a delay of 3465 days in filing this Application for restoration of Appeal.

3. Perused the impugned orders. In view of the submissions and the reasons mentioned, the conditional order dated 13<sup>th</sup> March, 2006 of dismissal of First Appeal for want of compliance and further order of actual dismissal dated 10<sup>th</sup> October, 2012 are recalled. First Appeal is restored to its original file. Delay of 3465 days is condoned. The applicant/appellant is directed to file paper book within eight weeks. Registry to issue fresh notice to the respondents, returnable **on 7<sup>th</sup> March, 2018**. The appellant to furnish the copy of the memo of Appeal within one week to the registry.

4. Civil Application is allowed and disposed of accordingly.

**(MRIDULA BHATKAR, J.)**