

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 4214 OF 2017
IN
FIRST APPEAL NO. 582 OF 2014

Shivaji Vitthalrao Kamble & Anr. ... Applicants
Vs.
Executive Engineer No. 2
Public Works Department, Solapur & Ors. ... Respondents

Mr. Sidheshwar N. Biradkar, Advocate for the applicant.
Mr. A.R. Patil, AGP for respondent nos. 1 to 4.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 23rd January, 2018.

P.C.:

Upon mentioning, taken on production board.

2. This Application is moved for restoration of First Appeal, which was dismissed for non-compliance of conditional order dated 5th January, 2016.

3. The learned counsel for the applicant submitted that the Appeal is admitted by order dated 5th January, 2016, however, for non-compliance of the order of filing private paper book within one year from the date of the order, the Appeal was dismissed. He submitted that the said order be recalled, as the appellants are ready

to file private paper book within four months from today.

4. In view of the submissions, as the Appeal is already admitted, the impugned order of dismissal is hereby recalled. First Appeal is restored to its original file. The appellant to file paper book within four months from today. If the paper book is not filed within the stipulated time, the Appeal shall stand dismissed forthwith without further referring to the Court.

5. Civil Application is allowed and disposed of accordingly.

(MRIDULA BHATKAR, J.)