

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (O) NO.315 OF 2018

IN

MISC.CIVIL APPLICATION (ST) NO.849 OF 2018

IN

FIRST APPEAL NO. 260 OF 2017

Gokula Sunil Mankar and anr. -Vs.- Tarachand Lalji Revatkar and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.V.B. Bhise, Counsel for the appellant.

CORAM : M. S. KARNIK, J.

DATE : 05.06.2018.

This is an application for condonation of delay in filing the restoration application in First Appeal No.260 of 2017. The First Appeal was admitted by an order dated 5.4.2017 and the appellant was directed to file private paper book within a period of 12 weeks, failing which the appeal shall stand dismissed without further reference to the Court.

The period of 12 weeks expired on 28.6.2017. The private paper book is filed on 4.7.2017. The application sets out the reasons as to why private paper book could not be filed on or before 4.7.2017. I am satisfied with the reasons mentioned in the application. The Civil application is allowed and the delay of 167 days in filing of the restoration application in First Appeal No. 260 of 2017 is condoned. The Civil Application is disposed of with no order as to costs.

MISC.CIVIL APPLICATION (ST)NO. 849 OF 2018

By conditional order dated 5.4.2017 this Court has directed the applicant to file the private paper book within a period of 12 weeks from 5.4.2017. Period of 12 weeks is expired on 28.6.2017. The private paper book was filed on 4.7.2017. Thus the delay is caused in filing the private paper book. The application sets out the reasons as to why within the stipulated period private paper book could not be filed. For the reasons mentioned in the application, I am satisfied that the application deserves to be allowed and accordingly the order of dismissal of First Appeal No.260 of 2017 by an order dated 5.4.2017 is set aside and the First Appeal No. 260 of 2017 is restored to file. The Civil Application is allowed and disposed of with no orders as to costs.

JUDGE