

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 14412 OF 2018
IN CIVIL APPLICATION NO. 3850 OF 2017
IN SECOND APPEAL NO. 689 OF 2007**

Anusayabai Shriram Hiwale

...Applicant

Versus

Jijarao Gulabrao Jagtap

...Respondent

.....

Mr. Y. P. Deshmukh, Advocate for Applicant.

Mr. V. R. Naik, Advocate for Respondent.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 08-02-2019.

ORAL ORDER :

01. Present application has been filed for restoration of the second appeal. In fact by Order dated 28.2.2018 in Civil Application No. 3850 of 2017 the appeal was restored. However, it was subject to deposit of amount of Rs. 1,000/- with the Advocates Association of Bombay High Court, Bench at Aurangabad on or before 23.3.2018. It appears that the amount was paid on 22.3.2018. However, the applicant says that he had not produced the said receipt and therefore, the appeal was not restored. Now, the application has been filed to

which there is 150 days delay. Applicant prays for condonation of the same and restoration of the second appeal.

02. The learned Advocate for the respondent has raised objections stating that there is no proper compliance on the part of the appellant / applicant.

03. Perusal of the receipt would show that the amount was deposited on 22.3.2018. But, as per the application he did not produce the receipt with the office of this Court and therefore, in pursuance to the said Order further action of restoration of the appeal appears to have not been taken. Thereafter, this application seeking restoration of the second appeal has been filed with delay of about 150 days. It is to be noted that the Order of this Court passed earlier has been complied with. Under such circumstance, the delay is condoned. The appeal be restored at its earlier stage. Place the second appeal for admission on 12.3.2019.

04. Civil Application is disposed of in the above terms.

[SMT. VIBHA KANKANWADI]

JUDGE

Dahibhate/-