

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2517/2016
in
First Appeal No.1956/2009

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. R. P. Hake Patil h/f. S. P. Kadam for the Applicant	

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 19, 2019

P.C.

1 Heard. None for Respondent though duly served.

2 Office note shows that the Civil Application stood dismissed against Respondent Nos.2 to 4 vide order dated 30.10.2015.

3 By this Civil Application the Applicant is seeking restoration of the First Appeal which stood dismissed for non compliance of the conditional order dated 29.10.2012 passed by this court i.e. filing of the private paper book within time.

4 The learned counsel for the Applicant submits that inadvertently it remained on their part to file the paper book within time. He submits that the Applicant is ready and willing to file private paper book within two weeks from today with copy to other side.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

6 Hence, following order is passed:

- a. Delay in filing the Civil Application is condoned.
- b. The First Appeal is restored to file for hearing on merits only against Respondent No.1.
- c. The Applicant is directed to file private paper book on or before 11.10.2019 with copy to other side failing which the Civil Application shall stand dismissed without further reference to the court.

- d. Office to make appropriate noting in the cause title of the First Appeal that the First Appeal stood dismissed against Respondent Nos.2 to 4.
- e. The Civil Application stands disposed of accordingly.
- f. No order as to costs.

(K.K.TATED, J.)