

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.4087 OF 2018

IN

FIRST APPEAL NO.958 OF 1991

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.Sagar Kaursija i/b Mr.T.D.Deshmukh for
the applicant
None for the respondent

**CORAM : K. K. TATED, J
DATE : JULY 16, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant is seeking restoration of Civil Application No.2339 of 1992 which was filed by the Applicant for restoration of First Appeal No.958 of 1991. There is a delay of 8 years and 14 days in filing the present Civil Application.

3 The learned counsel for the Applicant submits that when they preferred earlier Civil Application No.2339 of 1992 for restoration of original First Appeal, it remained on their part

to remove all office objections immediately. He further submits that even when Civil Application No.2339 of 1992 was on board before learned Registrar on 6.7.2010, for want of knowledge it remained on their part to remain present before the Registrar. In support of this contention, the learned counsel for the Applicant relies on paragraph 6 of the Civil Application which reads thus:

"6. The applicants states that applicants had then preferred Civil Application No.2339 of 1992 for restoration of original First Appeal. The Civil Application No.2339 of 1992 was listed for orders before Ld.Registrar (Judicial) on 6.7.2010 and Ld.Registrar (Judicial) was pleased to passed conditional order dated 6.7.2010. However, the Applicants as well as Advocate appearing for the applicants were not aware about the listing of Civil Application No.6.7.2010 before Ld.Registrar (Judicial) and couldn't again knowledge about the passing of the conditional order dated 6.7.2010. Annexed hereto and marked as Exhibit 'A' is the copy of order dated 6.7.2010."

4 On the basis of these submissions, the learned counsel for the Applicant submits that in the interest of Justice, this Hon'ble Court be pleased to condone the delay of 8 years 14 days in filing Civil Application for restoration of Civil Application No.2339 of 1992. He submits that if delay is not condoned, irreparable loss will be caused to the Applicant. There is no explanation for condonation of more than eight years delay in filing application.

5 Bare reading of Civil Application shows that same is filed in casual manner. It is to be noted that earlier Civil Application No.2339 of 1992 was also for restoration of First Appeal No.958 of 1991 which stands dismissed for non-removal of office objections.

6 Considering the submissions made by the learned counsel for the Applicant and the reason disclosed in paragraph 6 of the Civil Application, I do not find any reason to entertain the present Civil Application.

7 Hence, Civil Application stands rejected. No order as to costs.

(K.K.TATED, J.)