

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.4759/2016

in

First Appeal No.1070/2011

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Sachin B. Chandan for the Applicant
Mr. P. G. Sarda for the Respondent

CORAM : K.K.TATED, J.
DATED : JUNE 24, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking restoration of the First Appeal which stood dismissed in view of conditional order dated 09.12.2015 in C.A.No.2688/2014 for non filing private paper book on or before 29.02.2016.

2 The learned counsel for the Applicant submits that the paper book is ready. He undertakes to file the same within four weeks from today.

3 On the other hand, the learned counsel for the Respondent has vehemently opposed the Civil Application. He submits that this is a

second time that the matter came to be dismissed for non compliance of the order.

4 Considering the submissions made by the learned counsel for the Applicant and as the Applicant undertakes to file private paper book within four weeks from today, I am satisfied that the Applicant has made out a case for allowing the Civil Application, however, on payment of cost of Rs.2500/-.

5 Hence, following order is passed:

- a. The First Appeal is restored to file for hearing on merits.
- b. Time to comply with order dated 09.12.2015 passed by this court in Civil Application No.2688/2014 is extended till 31.07.2019.
- c. If the Applicant fails to file paper book within stipulated time as stated hereinabove, the First Appeal shall stand dismissed without further reference to the court.
- d. The Applicant to pay costs of Rs.2500/-.

e. Cost shall be paid to Kirtikar Law Library, High Court, Mumbai, on or before 19.07.2019 and place a receipt thereof on record, failing which the Civil Application shall stand dismissed without further reference to the court.

f. No order as to costs.

(K.K.TATED, J.)