

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

CIVIL APPLICATION NO.1406 OF 2019

IN

FIRST APPEAL NO.1158 OF 2014

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.R.V.Sipahimalani for the applicant
Mr.C.K.Bhangoji i/b Mr.R.K.Mendadkar for the
respondent

**CORAM : K. K. TATED, J
DATE : APRIL 15, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant is seeking restoration of First Appeal No.1158 of 2014 which stands dismissed in view of conditional order dated 18.2.2016 passed by this court for non-filing of private paper book within time.

3 The learned counsel for the Applicant submits that there was delay on the part of Applicant to file private paper book within time as per earlier order dated 18.2.2016.

Hence, they moved before this court. He submits that this court (Coram: M.S.Sonak, J.) by order dated 22.2.2017 extended time to file private paper book by three weeks. He submits that immediately they filed private paper book in the Registry. At the time of extending period to file paper book, it was not stated in order that First Appeal is restored on file. Hence, Registry showed First Appeal dismissed for non-compliance of earlier order dated 18.2.2016. Thereafter, Applicant preferred present Civil Application for restoration of First Appeal.

4 Considering the submissions made by the learned counsel for the Applicant and as Applicant complied the order dated 18.2.2016 within extended period, I am satisfied that Applicant has made out a case for following order:

- a. Delay in filing Civil Application is condoned.
- b. First Appeal No.1158 of 2014 is restored on file for hearing on its own merits.
- c. The learned counsel for the Respondent waives service.

(K.K.TATED, J.)