

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

**CIVIL APPLICATION NO.524 OF 2017
IN
FIRST APPEAL NO.677 OF 2010**

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.Nitin S. Parkhe for the applicant

**CORAM : K. K. TATED, J
DATE : MARCH 27, 2019**

P.C.:

. Heard.

2 By this Civil Application Applicant is seeking to restore the First Appeal No.677 of 2010 which stand dismissed in view of conditional order dated 23.06.2011 passed by this court for non-filing of paper book.

3 The learned counsel for the Applicant submits that because of communication gap it remained on their part to file private paper book within time. In support of this

contention, the learned counsel for the Applicant relies on paragraph 5 of the Civil Application.

4 The learned counsel for the Applicant submits that private paper book is ready. He undertakes to file the same immediately in the Registry. He submits that in the interest of Justice, this Hon'ble Court be pleased to condone the delay in filing private paper book and restore the matter on file for hearing on its own merits.

5 It is to be noted that present Civil Application already stands dismissed against Respondent no.1 as per order dated 13.01.2017.

6 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a) First Appeal No.677 of 2010 is restored on file for hearing on its own merits.
- b) Time to comply the order dated 23.06.2011 i.e. filing of private paper book is extended till 05.04.2019.
- c) Registry is directed to make appropriate noting in First Appeal Memo that First Appeal

stands dismissed against Respondent no.1 as per Registrar's order dated 13.01.2017.

d) Civil application stands disposed off accordingly.

e) No order as to costs.

(K.K.TATED, J.)