

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

**CIVIL APPLICATION (STAMP) NO.12534 OF 2019
IN
FIRST APPEAL NO.924 OF 2008**

Ashok Kisan Kakad ...Applicant

In the matter between
Ashok Kisan Kakad ...Appellant

Versus
Santhilkumar S/o. Natarajan
Faridabad and Anr. ...Respondents

**WITH
CIVIL APPLICATION (STAMP) NO.12532 OF 2019
IN
FIRST APPEAL NO.1439 OF 2010**

Mrs. Yamunabai Ashok Kakad ...Applicant

In the matter between
Mrs. Yamunabai Ashok Kakad ...Appellant

Versus
Santhilkumar S/o. Natarajan
Faridabad and Anr. ...Respondents

.....

Mr. C.M. Lokesh I/b. M/s. G.S. Hegde and Associates for the Applicant.
Ms Poonam Mittal for the Respondent No.2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 26th AUGUST, 2019.

P.C.:-

The Applicants herein have sought to condone the delay of
10 years 48 days in filing the applications and for restoring the First

Appeal Nos.924 of 2008 and 1439 of 2010, which were dismissed for non compliance of conditional order dated 5th March, 2008.

2. By order dated 5th March, 2008 the Applicants were directed to file paper book within a period of one year. The Applicants were put to notice that non compliance of the said condition would result in dismissal of the appeals.

3. The learned counsel for the Applicants states that the Applicants are residents of Nashik. They were not aware of the order. They have stated that the paper book remained to be filed due to inadvertence. He undertakes to file the paper book within a period of six months.

4. The learned counsel for the Respondents has given no objection to condone the delay subject to cost.

5. In the light of the said statement and in view of the reasons stated in the applications, the delay is condoned. The Appeals are restored to file subject to payment of cost of Rs.3,000/- to the High Court Legal Services Authority, Mumbai within a period of two weeks.

6. Call for the record and proceedings. The Applicants shall file the paper books within a period of six months. Issue notice to the Respondent No.1. Ms Poonam Mittal, the learned counsel waives service of notice on behalf of the Respondent No.2.

7. The Applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)