

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

**CIVIL APPLICATION NO.908 OF 2014
IN
FIRST APPEAL NO.562 OF 2011**

Office Notes, Office Memoranda of Coram, 5Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.V.S.Tadake i/b Mr.M.B.Gawade for the
applicant

Ms.Divya Parab i/b Mr.R.N.Gite for the
respondent no.1

None for the respondent no.3

**CORAM : K. K. TATED, J
DATE : JULY 5, 2019**

P.C.:

. Heard.

2 Though Respondent no.3 is duly served,
no one appeared on behalf of them when the
matter was called out.

3 The learned counsel for the Applicant
submits that the present First Appeal is
already admitted by this court by order dated

09.06.2011 and directed Applicant to file private paper book within one year time. He submits that inadvertently it remained on the part of Applicant to file private paper book within one year time. He submits that Applicant is ready and willing to file private paper book within three weeks from today. He submits that Applicant has a good chance of success in the present proceeding. He submits that in the interest of Justice, this Hon'ble court be pleased to allow the present Civil Application and restore the First Appeal No.562 of 2011 on board for hearing on its own merits. He submits that if present Civil Application is not allowed, irreparable loss will be caused to them.

4 Considering the submissions made by the learned counsel for the Applicant and the because of the mistake on the part of advocate, litigant should not suffer, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

- a. First Appeal No.562 of 2011 is restored on file for hearing on its own merits.
- b. Liberty granted to the Applicant to file private paper book on or before 16.08.2019, failing which Civil Application

shall stand dismissed without referring
back to the court.

- c. Civil Application stands disposed of
accordingly.
- d. No order as to costs.

(K.K.TATED, J.)