

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

**CIVIL APPLICATION NO.3877 OF 2017
IN
FIRST APPEAL ST. NO. 29 OF 2013**

Shri Ghanshyamdas Ganeshram Jha ... Applicant

In the matter between :

Shri Ghanshyamdas Ganeshram Jha ... Appellant

Vs.

Maharashtra Housing and Area Development
Authority & Ors. ... Respondents

Mr. Priyank Shukla i/b R.D. Mishra for applicant.

Mr. S.P. Thorat for Respondent No.1

Ms. Shital Mane MCGM for Respondent No.4.

**CORAM : K.K.TATED, J.
DATED : 9th September, 2019**

P.C.

1. Heard Learned Counsel for the parties.
2. By this Civil Application, applicant is seeking restoration of First Appeal No. 29 of 2013 which stands dismissed, in view of order dated 02/04/2013 passed by this Court for non-filing of private paper book within time.
3. The Learned Counsel for the Applicant submits that, inadvertently it remained on their part to file the private paper

book within time. He submits that, applicant undertakes to file private paper book within four weeks from today. He submits that, in the interest of justice this Hon'ble Court be pleased to condone the delay in filing the present Civil Application and allow the Applicant to file private paper book, so that First Appeal can be decided on its own merits.

4. Considering the submissions made by the Learned counsel for the Applicant and averments made in Civil Application, I satisfy that, Applicant has made out case for allowing this Civil Application but at the same time they have to pay cost of Rs.5,000/-. Hence, the following order :

ORDER

- a) Delay in filing the Civil Application is condone.
- b) First Appeal No. 29 of 2013 is restored on file for hearing on its own merit.
- c) Applicant to file private paper book on or before 11/10/2019 with copy to other side, failing which Civil Application shall stand dismissed without further reference to the court.
- d) Applicant to pay cost of Rs. 5,000/-

- e) Cost to be deposited in the Kirtikar Law Library, First Floor, High Court, Main Building, Bombay on or before 04/10/2019 and place on record the receipt thereof, failing which, Civil Application shall stand dismissed without further reference to the Court.
- f) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)