

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.4332/2016

in

First Appeal No.207/2009

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Bhushan Walimbe I/b. Preeti Walimbe for the Applicant	

CORAM: K.K.TATED, J.
DATED : OCTOBER 18, 2019

P.C.

1 Heard. None for the Respondent though duly served.

2 By this Civil Application the Applicant is seeking restoration of the First Appeal which stood dismissed for non compliance of conditional order i.e. to file private paper book within time as per order dated 04.08.2010.

3 The learned counsel for the Applicant submits that the order dated 04.08.2010 was passed by this court in appeal filed by the Respondent also. Therefore, the Applicant was under impression that the Respondent has to file paper book therefore it remained on

the part of the Applicant to comply with the said order.

4 The learned counsel for the Applicant submits that the Applicant is ready and willing to file paper book within four weeks from today. The statement is accepted. He submits that in the interest of justice, this Hon'ble Court be pleased to restore the matter and be heard on merits.

5 Considering the submissions made by the learned counsel for the Applicant and as the Applicant is ready and willing to file paper book within four weeks from today and as the appeal is filed by the claimants for compensation, I am of the opinion that the Applicant has made out a case for allowing the Civil Application.

6 Hence, following order is passed:

a. Delay in filing the Civil Application is condoned.

b. Time to comply with order dated 04.08.2010 passed by this court is extended till 30.11.2019 i.e. to file private paper book, failing which the Civil Application shall stand dismissed

without further reference to the court.
No order as to costs.

c. The First Appeal is restored to file for
hearing on merits.

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

(K.K.TATED, J.)