

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

Civil Application No.3312/2017  
in  
First Appeal No.2130/2011

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| 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. Vinod Mahadik for the Municipal Corporation

**CORAM: K.K.TATED, J.**  
**DATED : AUGUST 21, 2019**

**P.C.**

1 Heard.

2 By this Civil Application, the Applicant is seeking to restore the First Appeal which stood dismissed in view of conditional order dated 22.11.2011 passed by this court for non filing of private paper book within stipulated time as stated hereinabove.

3 The learned counsel for the Applicant submits that it remained on their part to file paper book within time. He submits that the Applicant is ready and willing to file 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 restore the First Appeal to file for hearing on merits with permission to the Applicant to file paper book.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

5 Hence, following order is passed:

- a. Delay in filing the Civil Application is condoned.
- b. First Appeal is restored to file for hearing on merits.
- c. Time to comply with order dated 22.11.2011 is extended till 30.09.2019.
- d. The Civil Application stands disposed of accordingly.
- e. No order as to costs.

**(K.K.TATED, J.)**