

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

**CIVIL APPLICATION NO.3704 OF 2018
IN
FIRST APPEAL NO.1507 OF 2014**

Maharashtra Krishna Valley
Development Corporation ...Appellant

Versus

Raghu Dhondu Malusare (since
deceased through legal heirs)
1) Baban Raghu Malusare and Ors. ...Respondents

.....

Mr. V.S. Tadake with Mr. D.D. Shinde for the Applicant.
Ms Tanaya Goswami, AGP for the Respondent Nos.5 and 6.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED: 11th JUNE, 2019.**

P.C.:-

By the present application, the Applicant has sought to condone the delay of 5 months and 23 days in filing the restoration application and further sought to restore the First Appeal No.1507 of 2018, which was dismissed for non prosecution by order dated 15th February, 2016.

2. By order dated 15th February, 2016 the appeal was admitted and the Appellant was directed to file private paper book within a year. The Applicant /Appellant did not comply with the said

conditional order. As a result thereof the first appeal was dismissed. The learned counsel for the Applicant states that the Advocate on record failed to file paper book due to inadvertence. The learned counsel for the Applicant makes a statement that the private paper book will be filed in the registry within a period of three weeks. Statement is accepted.

3. Considering the reasons stated in paragraphs 3 and 4 of the application and in the light of the statement made by the learned counsel for the Applicant, delay in filing the application is condoned. The first appeal No.1507 of 2014 stands restored. The Appellant to file paper book within a period of three weeks from the date of this order.

4. Civil application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)