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

**CIVIL APPLICATION NO. 4453 OF 2013  
IN  
FIRST APPEAL NO. 143 OF 2009**

Bharati Vinod Shah & Ors. ... Applicants  
V/s.  
Land Acquisition Officer & Ors. ... Respondents

.....  
Mr. Abhijeet Singh i/b Mrs. Pallavi H. Potnis for the Applicants.  
.....

**CORAM : K.K. TATED, J.**

**DATE : 25<sup>th</sup> JUNE, 2019.**

**P.C.:**

Heard learned Counsel for the Applicants.

2. Advocate for Applicants submits that the service of notice is completed on the Respondent. Statement is accepted.

3. By this Civil Application, Applicant is seeking restoration of First Appeal No. 143 of 2009, which was dismissed for non-compliance of Order dated 25<sup>th</sup> March 2011 passed by this Court, directing the Applicant to file the private paper book within stipulated time. There is also a delay on part of the Applicant to file the present Civil Application.

4. The learned Counsel for Applicant submits that inadvertently it remained on the part of the Applicant to file the paper book within time. He submits that Applicant undertakes to file private paper book within eight weeks from today. He submits that in the interest of Justice this Hon'ble Court, be pleased to restore the First Appeal No. 143 of 2009 for hearing on its own merits. He submits that if application is not allowed, irreparable loss will be caused to the Applicant. He submits that Applicant has good chance of success in the present proceeding.

5. Considering the submissions made by the learned Counsel for the Applicant, in spite of service no one appeared on behalf of Respondent, as the Applicant undertakes to file private paper book within eight weeks from today, I am satisfied that Applicant has made out a case for allowing this Civil Application. Hence, following Order:

- i) Delay in filing the Civil Application is condoned.
- ii) First Appeal No. 143 of 2009 is restored to file for hearing on its own merits.
- iii) Time to comply the earlier Order dated 25<sup>th</sup> March 2011 i.e. to file private paper book in the Registry is extended till 31<sup>st</sup> August 2019.

- iv) It is made clear that if paper book is not filed on or before 31<sup>st</sup> August 2019, First Appeal shall stand dismissed without referring back to this Court.
- v) Civil Application stands disposed off accordingly with no order as to costs.

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