

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 145 OF 2016
IN
SECOND APPEAL NO. 639 OF 2006

Shri Alex Jairaom D'Souza .. Applicant

In the matter between

Shri Alex Jairaom D'Souza .. Appellant

Vs.

Saleem Abdul Gaffar Anware and ors. .. Respondents

Mr.Sanjay Kulkarni, for the Applicant.

Mr.Chandrakant Chavan, for the Respondent No.1.

CORAM : M.S.KARNIK, J.

DATE : 12th JULY, 2019

P.C. :

. This is an application for restoration of the Second Appeal which was dismissed for not filing the paper-book within time granted by this Court. There is delay of 5 years and 180 days in filing the Application for restoration.

2. The Application is strongly opposed by the learned

Counsel appearing on behalf of the respondent No.1. However, for not filing of the paper-book, in my opinion, the rights of the applicant to contest the Appeal on merits should not be foreclosed. Though there is delay of 5 years and 180 days in filing the application, sufficient reasons have been given in the application. Learned Counsel for the applicant states that he has already filed paper-book and the office objections have been removed.

3. In this view of the matter, Application is allowed by condoning the delay and recalling order dated 09/04/2010. Second Appeal is restored to file.

(M.S.KARNIK, J.)