

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1625/2017
in
First Appeal No.2280/2011

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Vinod Mahadik for the Municipal Corporation Mr. Piyush M. Shah /w. Mr. Dishang Shah and Ms. Geetika Rajpal for the Respondent

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

P.C.

1 Heard. By this Civil Application , the Applicant Municipal Corporation is seeking restoration of the First Appeal which stood dismissed in view of conditional order dated 26.04.2012 for non filing of paper book within time.

2 The learned counsel for the Applicant submits that the paper book is ready. He undertakes to file the same within four weeks from today. The undertaking is accepted. He submits that in the interest of justice, this Hon'ble Court be pleased to allow the Civil Application. He

submits that they have good chance of success in the matter.

3 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. At the same time, they have to pay cost of Rs.4,000/-.

4 Hence, following order is passed:

- a. The First Appeal is restored to file for hearing on merits.
- b. Time to file paper book as per order dated 26.04.2012 is extended till 30.09.2019.
- c. The Applicant to pay cost of Rs.4000/-.
- d. Cost shall be paid to the Kirtikar Law Library, High Court, Mumbai and place a receipt thereof on record on or before 13.09.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

e. The Civil Application stands disposed of accordingly.

f. No order as to costs.

(K.K.TATED, J.)