

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

CIVIL APPLICATION NO.980 OF 2019

IN

FIRST APPEAL NO.411 OF 2011

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.Kunal Bhanage i/b Mr.Akshay Pawar for the applicant

**CORAM : K. K. TATED, J
DATE : APRIL 15, 2019**

P.C.:

. Heard.

2 Though Respondents are duly served, no one appeared on behalf of them when the matter was called out.

3 The learned counsel for the Applicant submits that they already filed affidavit of service to that effect. Same is on record.

4 By this Civil Application, Applicant is seeking restoration of First Appeal No.411 of 2011 which stands dismissed in view of

conditional order dated 16.3.2011 passed by this court for filing of private paper book.

5 The learned counsel for the Applicant submits that it remained on the part of earlier Advocate to take appropriate steps for filing private paper book within time. He submits that because of mistake on the part of advocate, litigant should not suffer. He submits that they have good chance of success in the preset matter. He submits that in the interest of justice, this Hon'ble Court be pleased to restore First Appeal No.411 of 2011 for hearing on its own merits.

6 The learned counsel for the Applicant submits that Applicant undertakes to file private paper book on or before 21.06.2019. Statement is accepted.

7 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as inspite of service, no one appeared on behalf of Respondent, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, following order:

- a) First Appeal No.411 of 2011 is restored on file for hearing on its own merits.
- b) Time to file private paper book is extended till 21.06.2019.

- c) Appellant to file private paper book on or before 21.06.2019, failing which the Civil Application shall stand dismissed without further reference to the court.
- d) Civil application stands disposed of accordingly.
- e) No order as to costs.
- f) Interim protection, if any, granted earlier and which is in force, to continue till next date.

(K.K.TATED, J.)