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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1509 OF 2019
IN
FIRST APPEAL NO.233 OF 2013

Santosh R. Pathak & Anr.

...Applicants /
...Appellants

V/s.

Badriprasad S. Yadav & Anr.

...Respondents

Mr.Rajendra R. Mishra for the Applicants / Appellants.

Mr.Kunal Bhonage for the Respondent No.2.

CORAM : R.D. DHANUKA, J.
DATE : 11TH FEBRUARY, 2020.

P.C. :-

1. Heard learned counsel appearing for the parties. There is delay of 166 days in filing the civil application. Learned counsel for the applicants also prays for recall of the order dated 26th September, 2017 thereby dismissing the First Appeal for non-compliance of the conditional order by not filing the private paper book within one year from the date of such order.

2. Delay in filing the civil application is explained in paragraph 4 of the civil application. Mr.Mishra, learned counsel for the applicants states that private paper book is ready and undertakes to file within four weeks from today. Undertaking is accepted. A copy of the private paper book shall be served upon the respondents'

advocate simultaneously. It is made clear that no further extension of time would be granted.

3. The civil application is made absolute in terms of prayer clause (a), (aa), (b), (c) and (d) subject to aforesaid conditions. There shall be no order as to costs.

(R.D. DHANUKA, J.)