

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2821 OF 2019
IN
FIRST APPEAL NO. 3196 OF 2006

Madhukar Keru Lone & Ors. Applicants

IN THE MATTER BETWEEN

Madhukar Keru Lone & Ors. Appellants

VERSUS

Smt.Yamunabai Keru Lone & Anr. Respondents

Mr.Ajinkya J. Jaibhave for the Applicants/Appellants.

Mr.Hrishikesh S. Shinde, i/b. Mr.Milind M. Sathaye for the Respondent
nos. 1 and 2.

CORAM : R.D. DHANUKA, J.

DATE : 26th FEBRUARY, 2020

P.C.

The applicants seek condonation of delay of 11 years and 155 days in filing civil application and seeks restoration of the First Appeal dismissed for non compliance of the conditional order dated 15th January,2007.

2. Heard learned counsel for the parties. The impugned decree and judgment has not been executed till date by the respondents. Delay is sought to be explained in paragraphs 8 to 11 of the civil application. First Appeal is dismissed on the ground of non-compliance of the conditional order by not filing paper book within the extended period.

3. Learned counsel for the applicants states that the paper book is now ready and would be filed within two weeks from today. The statement made by the learned counsel is accepted as and by way of undertaking to this court.

4. Civil application is made absolute in terms of prayer clauses (a), (b) and (c).

5. Time to file paper book is extended by two weeks from today.

6. The applicants are directed to pay the cost of Rs.10,000/- to the respondents within two weeks from today as a condition precedent for accepting the paper book on record. If the paper book is not filed within the time prescribed and the cost is not paid, the order passed by this court to stand vacated without further reference to court. If the order is complied with, Office is directed to transmit the papers and proceedings to the District Court, Nashik for disposing of the appeal on merits.

7. Civil application is disposed of in the aforesaid terms.

8. The applicants are directed to file private paper book before the District Court.

[R.D.DHANUKA, J.]