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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1231 OF 2021

IN

FIRST APPEAL NO. 4 OF 2012

HAUSERAO NIVRUTTI PATIL

....APPLICANT

V/s.

**NANDKUMAR MAHIPATI MANE
AND OTHERS**

.....RESPONDENTS

**Mr. Manisha Jagtap i/b M/s. J. Shekhar & Co. for applicant-original
appellant**

Mr. T. J. Mendon for respondent nos. 1 & 3

CORAM : NITIN W. SAMBRE, J.

DATE: SEPTEMBER 1, 2021.

P.C.:

1] Heard. This is an application is moved by the applicant-appellant for condonation of delay in preferring an application for restoration of appeal and also a prayer for restoration of appeal.

2] Appeal was dismissed on 24/01/2019 on technical ground for want of submission of paperbook within stipulated period. This Court is unable to take up present appeal for final hearing at the relevant time as the old appeals are pending.

3] Counsel for the applicant-appellant submits that paper-book could not be prepared as the relevant record was not available and undertakes to file paper-book within period of 8 weeks from today.

4] Learned counsel for respondent nos. 1 & 3 would oppose the claim.

5] In view of assurance given by learned counsel for the applicant that the paper-book will be tendered within 8 weeks from today, which is accepted as an undertaking, present application needs to be allowed by condoning the delay.

6] As such, delay caused in preferring present application is condoned. Appeal stood restored to file.

7] Application stands allowed in above terms.

[NITIN W. SAMBRE, J.]