

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO.2164 OF 2021
(INTERIM APPLICATION (ST.) NO. 16427 OF 2021)
IN
FIRST APPEAL NO. 680 OF 2019**

Arun Sopanrao Raikar & Anr. Applicants

Vs.

Smt. Sunita Madhukar Raikar Respondent

Mr. Rakesh Agrawal a/w Mr. Parmeshwar Bhise for Applicants.
Mr. Rajdeep Gude i/by A.S. Khandeparkar & Associates for Respondent.

**Coram : NITIN W. SAMBRE, J.
Date : 2nd SEPTEMBER, 2021**

P.C.:

1. Not on board. Taken on board.
2. Mentioned. In view of no objection by the Respondent for production, the production is granted.
3. This Interim Application is taken out by the Appellant for extension of time for tendering private paper-book by setting aside the conditional order dated 16th October, 2019.

4. The Counsel for the Applicants-Appellants submits that the paper-book is already ready, however in view of pandemic and restricted entry in the Court premises, the same could not be tendered.

5. The Counsel for the Respondent opposed the prayer for restoration on the ground that the order 16th October, 2019 was passed on after hearing the Appellants.

6. Considered rival submissions.

7. In view of the order of the Apex Court dated 8th March, 2021 passed in Suo Motu Writ Petition (Civil) No.3 of 2020 on the issue of extension of limitation, the fact that the appeal is of 2019 particularly the present one could not be taken up for final hearing in view of pandemic situation, though objected by the Non Applicant. In my opinion a case for consideration is made out. As such, the application stands allowed.

8. A prayer for condonation of delay in preferring the application for restoration is granted as the delay is not intentional and bonafide, subject to payment of costs of Rs.2,000/- to be paid to Kirtikar Law Library. The First Appeal stands restored to file.

9. The receipt thereof be produced alongwith paper-book within a period of two weeks from today.

10. The application stands disposed of.

(NITIN W. SAMBRE, J.)