

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAO] No.335 of 2021
with
Civil Application [MCA] St.No.25985 of 2019
in
Second Appeal No.327 of 2014

Sau. Asha w/o Dhyaneshwar Lokhande & another
 vs.
 Awadhut Vyankatrao Malkhede

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Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

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Court's or Judge's Orders

Mrs. I.P. Khisti, Advocate for the Applicants/Appellants.

CORAM : S.M. MODAK, J.
DATE : 28th JULY, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

Heard.

The appeal was dismissed as per order dated 09/04/2019 for not filing of private paper-book. The appellants were asked to deposit costs of Rs.3,000/-, if at all they will move an application for restoration.

The appellants have deposited the costs on 18/01/2021. Now they are asking for condonation as well as restoration of the appeal. The reasons offered for not depositing the costs and filing restoration application are sufficient enough to condone the delay and restoration of the appeal. Due to lock-down, the compliance could not be made within stipulated period.

Now, their paper-book is ready. But they have to retype it in A4 size paper as per the new guidelines.

In view of that, the following order is passed:

ORDER

- The delay of 226 days in filing restoration application is condoned.
- The restoration application is allowed.
- Second appeal is restored and the appellants are granted three weeks' time to file private paper-book.
- The applications are disposed of.

JUDGE

**sandesh*