

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

910 CIVIL APPLICATION NO.12204 OF 2021  
IN SA/1393/2005

GANGAKISHAN DEVIDASRAO SHAHANE  
VERSUS  
NAVJEEVAN HOSPITAL THROUGH PROP. SHRIRAM and ANR.

...  
Advocate for Applicant : Mr. R. B. Deshpande. .  
Advocate for Respondents : Mr. G.K. Naik-Thigle.

**CORAM** : MANGESH S. PATIL, J.  
**DATE** : 10.03.2022.

**PER COURT :**

Heard learned advocate Mr. Deshpande for the applicant/appellant.

2. This is an application for restoration of the second appeal which has been dismissed by operation of the conditional order dated 17.11.2017, with a prayer to condone delay of 1412 days in seeking restoration.

3. Learned advocate Mr. Deshpande submits that though the condition was to furnish paper book, in fact by an earlier order dated 17.06.2016, this Court had dispensed with the print and also had directed that the paper book prepared by the lower appellate court, if it was available, would be sufficient and the second appeal would be heard as it is. Still, the conditional order on 17.11.2017 was passed.

4. Learned advocate Mr. Naik-Thigle strongly opposes the application on the ground that the delay is deliberate and intentional.

5. Considering the aforementioned facts and circumstances which are clearly borne out from the record, when the dispute pertains to substantial questions of law as formulated while admitting the second appeal dated

19.08.2005, the application is allowed as prayed for. The delay is condoned. The second appeal is restored.

6. Learned advocate Mr. Deshpande undertakes to file a paper book within four weeks.

7. Stand over to 07.04.2022.

**(MANGESH S. PATIL, J.)**

mkd/-