

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Interim Application No. 3801 / 2021
in
First Appeal No. 2338 / 2005

Dnyandeo @ Dnyaneshwar Sadashiv Shinde ... Applicant

Versus

Hidyat A. Hongod and Ors. ... Respondents

Mr. Tejpal S. Ingale a/w Mr. Ritesh Wagh, Advocate for the Applicant.

Smt. Urmila K. Sanil, Advocate for Respondent No.2.

CORAM : SANDEEP K. SHINDE, J.

DATE : 9th FEBRUARY, 2022.

[Through Video Conference]

P.C.

Heard. Counsel for the parties.

1. First Appeal No. 2338/2005 was dismissed for not submitting the paper book within stipulated period. Appellant/Applicant has moved interim application no. 3801/2021 seeking restoration of appeal and condonation of delay.

2. Learned Counsel appearing for the Insurance Company has

vehemently opposed the application contending that no sufficient cause has been shown for condoning the delay.

3. Mr. Ingale, learned Counsel for the Appellant/Applicant submitted although the paper book was ready, but inadvertently he did not notice the conditional order dated 5th April, 2006 passed by this Court and therefore paper book was not submitted in Registry. Submission is that the delay in preferring the application, is neither intentional nor deliberate and therefore in the interest of justice, the delay may be condoned on such terms, as this Court may deem it proper.

4. In consideration of the facts of the case, subject to cost Rs. 2000/-, delay is condoned and the appeal is restored to the file. Appellant shall pay cost to the Respondent No.2 – Insurance Company within two weeks from today.

5. Interim application is allowed in the aforesaid terms.

(SANDEEP K. SHINDE, J.)