

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***INTERIM APPLICATION NO.811 OF 2022
IN
FIRST APPEAL NO.458 OF 2005***

Sau. Sampada Tanaji Budhavale
& Anr.

...Applicants

IN THE MATTER BETWEEN

Sau. Sampada Tanaji Budhavale
& Anr.

...Appellants

Vs

Shri Vilas @ Dattu Anna Madane
& Ors.

... Respondents

...

Mr. Prasanna Shahane i/by Mr. Milind Deshmukh for the
Applicants/Appellants.

Mr. Sharad T. Bhosale i/by Mr. Dilip Bodake for Respondent
Nos.1 to 4.

Mr. A.R.Patil, Assistant Government Pleader for the
State/Respondent No.5.

CORAM : SANDEEP K. SHINDE J.

DATE : FEBRUARY 21, 2022.

P.C. :

On 31st January, 2017, appellants/applicants were directed
to file private paper-book within three months. That period was

extended upto 31st July, 2017. In spite of granting sufficient time, paper-book was not filed, which resulted into dismissal of First Appeal No.458 of 2005. Applicants seek restoration of the appeal and condonation of delay. Mr. Prasanna Shahane, learned advocate, appearing on behalf of the appellants undertakes, to file paper-book within three months. Thus, in view of the Undertaking and cost of Rs.5,000/- to be deposited with Kirtikar Law Library within two weeks from today, order dismissing the appeal is recalled and First Appeal No.458 of 2005 is restored to file. If applicants do not pay cost and fail to file paper-book on or before 16th March, 2022, appeal shall stand dismissed without further reference to this Court.

2 Interim application stands disposed of.

(SANDEEP K. SHINDE, J.)