

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

**CIVIL APPLICATION NO.4739 OF 2013
IN
FIRST APPEAL NO. 1319 OF 2011**

Ghatkopar Dipalaya Co-operative Housing
Society Ltd.

..Applicant

v/s.

Khimaji Bhagwan Das and Ors.

..Respondents

Mr. Ajay Panicker i/b Ajay Law Associates for the Applicant.
Mr. Chetan R. Shah i/b Narayanan & Narayanan, for Respondents Nos.
8 and 9.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 8th JULY, 2022.

P.C.

1. This is an Application for restoration of Appeal which was dismissed for non compliance of conditional order dated 19th July, 2011. In terms of the said order, the Appellant was required to file the paper book within a period of one year. The Appellant having failed to comply with the said condition, the Appeal came to be dismissed.
2. The Appellant has stated that the paper book was kept ready and the copy of the same was also forwarded to the Respondent Nos. 6,

7 and 7A which was returned with a postal remark “left”. The Appellant could not serve the same on Respondent Nos. 6, 7 and 7A as they were unable to get the new address of the said Respondents. It is stated that inadvertently and due to lack of communication, no further steps were taken in the matter. In para 15 of the Application, the Applicant has stated that the Applicant learnt about non filing of the paper book only on 12th August, 2007.

3. Learned Counsel for the Applicant states that the paper book will be filed in the registry within one week. In view of said statement and the reasons stated in paragraphs 15 and 16 which constitute sufficient grounds, the delay is condoned. Civil Application is allowed. Appeal is ordered to be restored. All interim orders stand revived.
4. Civil Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)