

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

**CIVIL APPLICATION NO. 477 OF 2019
IN
FIRST APPEAL NO. 1276 OF 2003**

Nilesh Baburao Shirke and Anr. ...Applicants
Versus
Umesh Bhaskar Tendolkar and Anr. ...Respondents

**SNEHA
NITIN
CHAVAN**

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Date: 2023.12.08
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Ms. Megha Shigavan a/w Ms. Kajal Chourasia i/b Mohit Jadhav for
the Applicants.
Mr. Upendra Mahadik i/b Fast Track Legal for the Respondent Nos. 1
and 2.

**CORAM : M.M.SATHAYE J.
DATE : 8th DECEMBER 2023**

PC. :

1. This is an application by original Appellants for restoration of the above appeal, which is dismissed under conditional Order dated 06.07.2018 for non deposit of paper book charges. There is delay of 28 days in filing the application as per office note.
2. Heard learned counsel for the Applicants. Learned counsel for the Respondents has opposed the condonation of delay. Record shows that no reply is filed in the application till date.
3. In that view of the matter, considering extent of delay and averments made in application, sufficient cause is made out.

4. Civil Application is therefore allowed in terms of prayer clauses (a) and (b). Delay is condoned. The appeal is restored to file. However, the Appellants are directed to file private paperbook within a period of 8 weeks from today, failing which, the appeal shall stand dismissed without further reference to the Court.

5. Civil Application is disposed of accordingly.

6. All concerned to act on duly authenticated or digitally signed copy of this order.

[M.M.SATHAYE,J.]