

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO. 540 OF 2022
IN
MISC. CIVIL APPLICATION (ST.) NO. 9617 OF 2022
IN
SECOND APPEAL NO. 91 OF 2014 (D)

ASHISHSINGH S/O. SOMESHWARSINGH CHOUHAN AND OTHERS

...**VERSUS**...

ANOOPKUMARSINGH S/O. MOHANSINGH PARIHAR

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Anish Gahlod, Advocate h/f. Shri Soumitra Paliwal, Advocate for applicants.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 10th FEBRUARY, 2023

Heard the learned counsel for the applicants.

2. It appears that there was a conditional order passed. Vide common order dated 10/02/2017, time of 12 weeks was granted by this Court to file private paper book, failing which, the costs of Rs. 500/- was to be deposited. Thereafter, again the additional time of four weeks was granted by this Court on 27/06/2018, however, it was made clear that failing which, the appeal would stand dismissed without reference to the Court. Though the appellants had filed private paper book within extended period, failed to deposit the amount of costs as per direction. Thereafter, learned counsel for the appellants was under impression that, as the paper book is filed, the matter would come up for final hearing, so he did not look into the matter. As the matter was not

listed in the final hearing list and after searching it online, the status was shown as disposed of and accordingly, the appellants made enquiry and it was seen that the matter stood dismissed for want of payment of costs as per direction. As such, there is delay of 685 days in filing restoration application. It is submitted that now the costs is also paid. Considering the reasons stated in the application, delay in filing restoration application is hereby condoned, subject to costs of Rs. 1,000/- to be paid to Vidarbha Lady Lawyers' Association, within a period of two weeks.

3. After payment of costs, Registry is directed to register the application for restoration of Second Appeal.
4. Accordingly, the application stands disposed of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar