



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO. 12936 OF 2023
IN CA/10413/2018

Bhagwat Narayan Shinde & others

....Applicants

VERSUS

Mohan Shankarrao Kaldade & others

.....Respondents

.....

Mr. S. B. Bhapkar, Advocate for Applicant

CORAM : R. M. JOSHI, J.

DATE : 23rd JANUARY, 2024.

PER COURT :

1. This is an application for restoration of Second Appeal No. 40648/2017 to its original stage by setting aside order dated 22nd July, 2022. Said order came to be passed for compliance of order dated 19th October, 2018 directing the appellant to deposit sum of Rs.500/- towards cost.

2. Learned counsel for appellant undertakes to deposit cost within a period of two weeks from today. No malafides can be attributed to the appellant in not filing the application in time. Hence, delay caused in filing the application for restoration deserves to be condoned. Application is allowed in terms of prayer clauses 'A

to C'. It is clarified that if amount of cost is not deposited within two weeks, appeal shall stand dismissed without reference to the Court.

(R. M. JOSHI)
Judge

dyb