

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15055 OF 2023

IN

FIRST APPEAL NO. 742 OF 2019

Mr. Kaushalya Sampat ... Appellant/Applicant

V/s.

Mr. Kanta Wishwanath Kochhar since ... Respondents
deceased through Lrs. Mr.
Wishwanath Kochar and Ors.

Mr. Sanket Mungale, for the applicant.

Mr. Rohit Jain I.by Jayakar and Partners, for respondent nos. 1(b) to 1(d).

CORAM : KISHORE C. SANT, J.

DATE : 3RD MAY 2024.

PC:

1. Learned advocate for the respondent filed reply to the application, the same is taken on record. This application is filed for restoration of First Appeal and Civil Application. The appeal came to be dismissed in view of the conditional order passed on 17/09/2019. This court by the said order admitted the appeal and directed the appellant to file private paper-book on record within one year. As paper-book was not filed within one year. Learned Registrar Judicial-(II) by order dated 22nd February 2023 dismissed the appeal and consequently Civil Application does not survive and same is also disposed of.

2. Learned advocate for the applicant submits that the order was passed on 17/09/2019 from March 2020 because of Nationwide Lock down in view of Covid-19, the advocate lost the track of the matter and for this reason paper-book could not be prepared. Registrar-Judicial (II) also passed the order on 22nd February 2023, the application filed thereafter on 12/04/2023. He submits that there is no delay in filing this application. The paper-book could not be filed because of reasons stated above. He thus prays for restoration of the appeal to its original status.

3. Learned advocate for the respondent vehemently opposes the application by filing reply. Considering the fact that after March 2020 there was Nationwide Lock down because of Pandemic, the applicant could not file private paper-book. Now the applicant undertakes to file paper-book within twelve weeks from today, subject to that condition the appeal stands restored to its original status.

4. Interim application is allowed and stands disposed of. Order passed by learned Registrar-Judicial (II) stands quashed and set aside.

(KISHORE C. SANT, J)