

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.688 OF 2017

IN

FIRST APPEAL NO.523 OF 2014

Mr. Charles Gracious And Ors. : Applicants

Vs.

Mr. Sadru Rama Teli
(through Heirs And Legal Representative)

1a) Smt Jagalu Sadru Teli And Ors. : Respondents

Adv. Rushikesh S. Kekan, i/by Adv. Pradeep J. Thorat, for the
Appellant/Applicant.

None for the Respondents.

CORAM : KISHORE C. SANT, J.

DATE : 1st APRIL, 2024

PC. :

1. This Application is filed for restoration of the Appeal bearing First Appeal No. 523 of 2014. The Appeal came to be dismissed in view of the Conditional Order dated 8th October, 2014. The Applicant was directed to prepare a private paper-book and to file within a period of 1 year from the date of the Order dated 8th October, 2014. The appeal was admitted on that date. However the Appellant could not prepare and file a paper-book on record. The Appeal therefore came to be dismissed for default.

2. This Application is thus filed for restoration of the Appeal. There is however delay is of 767 days while filing the present Civil Application. It is submitted that inspite of notice in the matter none appeared for the Respondent even with the interim relief was granted none had appeared for the Respondent. So far as the delay is concerned, it is submitted that the Applicants have circulated Civil Application No. 4201 of 2016, that was filed for return of original documents. It is at that time it came to the knowledge of the Applicant that the Appeal is dismissed for default and immediately the Application is filed. It is stated that delay of 767 days is caused for the above reasons.

3. Considering the reason for the delay, the delay stands condoned. The Civil Application is allowed and disposed of.

4. Time to file private paper-book is extended till 30th June, 2024.

5. First Appeal No. 523 of 2014 stands restored with its original position. Civil Applications stands disposed of.

(KISHORE C. SANT, J.)