

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO.9398 OF 2024.**

**IN**  
**FIRST APPEAL NO.291 OF 2021.**

M/S Chaudhary Heavy Lifters, Through Its  
Proprietor Hyderali A. Chaudhary ...Applicant.

**Versus**

M/S Ganesh Crane Services , Through  
Its Proprietorom Prakash Jhala And Ors. ...Respondents.

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*Mr. Hamid Ansari i/b Judicare Law Associates for the applicant-  
appellant.*  
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**Coram : Sharmila U. Deshmukh, J.**

**Date : 23<sup>rd</sup> July, 2024.**

**P. C. :**

1. By this Interim Application applicants seek recall of clause (iv) of the conditional order dated 3<sup>rd</sup> January 2023 and seek extension of time for filing of the paper book and for condonation of delay of 126 days caused in preferring the present Interim Application.
2. Learned counsel for the applicant submits that though order of 3<sup>rd</sup> January 2023 directed the filing of the paper book failing which appeal was to stand dismissed, due to oversight the office of the Advocate on record did not file the paper book within time, as a result

of which conditional order became operative and appeal was dismissed. He submits that within a period of 3 months from today private paper book will be filed.

**3.** As the omission has occurred in the office of Advocate, the time which was granted by clause (iv) of order of 3<sup>rd</sup> January 2023 directing the filing of the paper book within one year from the date of the order is extended for a further period of three months from today.

**4.** Interim Application is allowed and First Appeal is restored to file.

**[Sharmila U. Deshmukh, J.]**