

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Mohite

**CIVIL APPLICATION NO.1797 OF 2013
IN
SECOND APPEAL NO.463 OF 2011**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms.Nita Solanki i/b M/s.Kiran Jain and Co.
for the applicant

Mr.V.B.Rajure for respondent no.1

CORAM : K.K.TATED, J.
DATE : 24/12/2013

PC:

1 Not on board. At the request of the advocate for the applicant, matter is taken on board for urgent orders.

2 This application is for restoration of Second Appeal No.463 of 2011 which was dismissed for default by order dt.21.12.2013.

3 The learned counsel for the respondent vehemently oppose the present Civil Application. He states that applicant has not shown sufficient cause as to why appellant's Advocate was not present when

the matter was called out.

4 Considering the submissions made by the learned counsel for the applicant and the averments made in the application, I am satisfied that the applicant has made out a case for allowing the present civil application. Hence, the civil application is allowed in terms of prayer clauses (a) and (b) which read thus.

“(a) That the above Appeal be restored to file by recalling the order of dismissal dated 21/12/2013 and the interim reliefs passed by Hon'ble Court by order dated 8/4/2013 in C.A.No.368 of 2013 be restored.

(b) This Hon'ble Court be pleased to dispense with the requirement of Affidavit in support by the Appellant.”

5 Civil Application is disposed of accordingly.

(K.K.TATED, J.)