

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.
CIVIL APPLICATION NO.4732 OF 2013
IN
CIVIL APPLICATION NO.4793 OF 2009
IN
FIRST APPEAL (ST) NO.29226 OF 2009

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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Mr. V. A. Shastry for the Applicant
Mr. Sandesh Patil for the Respondent No.1.
Mr. Sachin Pune, AGP for State.

CORAM : K. K. TATED, J.
DATE : MARCH 12, 2015

P.C.:

1. Heard. This Application is for restoration of Civil Application No.4793/2009 (for condonation of delay) which was dismissed in view of conditional order dated 10/04/2013 passed by this court (Coram : A. H. Joshi, J.)

2. The learned counsel for the Applicant submits that this court by order dated 10/04/2013 directed the Applicant to take steps against unserved Respondent within four weeks from the date of order, failing which the Civil Application would stand dismissed. He submits that the Applicant, thereafter immediately forwarded notices to the Respondent on 30/04/2013. He further submits that to that effect the Applicant filed an Affidavit of service dated 06/05/2013 in

the Registry bearing stamp No.5683/2013. He submits that pursuant to the order dated 10/04/2013 passed by this court, the Applicant taken steps within 4 weeks for service on the Respondents. Hence, in the interest of justice, this Hon'ble Court be pleased to restore the Civil Application No.4793/2009 for hearing on its own merits.

3. Considering the submissions made by the learned counsel for the Applicant and the Affidavit of service dated 06/05/2013 showing that the Applicant has taken steps within 4 weeks from the date of order dated 10/04/2013, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

4. Hence, the following order:

A) Delay in preferring the Civil Application is condoned.

B) Order dated 10/04/2013 passed by this court (Coram : A. H. Joshi, J.) is recalled.

C) Civil Application No.4793/2009 is restored to file for hearing.

D) Civil Application No.4732/2013 stands disposed off accordingly.

JUDGE