

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

**CIVIL APPLICATION NO.4333 OF 2014  
IN  
FIRST APPEAL NO.81 OF 2003**

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| 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.Kuldeep Nikam i/b Mr.Y.P.Narvankar for the applicant

Mr.C.M.Lokesh i/b M/s.G.S.Hegde and Associates for the respondent no.1

**CORAM : K.K.TATED, J.**  
**DATED : 26/06/2015**

**PC:**

- 1 Heard the learned counsel for the parties.
- 2 This application is for restoration of First Appeal No.81 of 2003 which was dismissed in view of order dated 1.9.2014 passed by this court.
- 3 The learned counsel for the applicant submits that the Advocate on record was held up in another matter. Hence, no one appeared when the matter was called out for hearing. He further submits that applicant has good chance of success in the present proceeding. He submits that in the interest of Justice, this Hon'ble Court be pleased to condone the delay in filing the present Civil Application and restore First Appeal on file for

hearing and final disposal on its own merits. He submits that if application is not allowed, irreparable loss and injury will be caused to the applicant.

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 but at the same time, applicant to pay cost of Rs.1,000/- to the respondent no.1 within four weeks, failing which Civil Application shall stand dismissed without referring back to the court. Hence, following order:

- a) Delay in preferring the Civil Application is condoned.
- b) Order dated 1.9.2014 passed by this court is recalled.
- c) First Appeal No.81 of 2003 is restored on file for hearing on its own merits.
- d) Applicant to pay cost of Rs.1,000/- to the respondent no.1 within four weeks from today failing which Civil Application shall stand dismissed without referring back to the court.
- e) Civil application stands disposed off accordingly.

**(K.K.TATED, J.)**