

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

***CIVIL APPLICATION NO. 250 OF 2015
IN
FIRST APPEAL NO. 1116 OF 2014***

Rekha Bhagwandas Patel	... Applicant
v/s	
Municipal Corpn. Of Gr. Mumbai	... Respondent

Mr. Shailesh Shukla for the applicant.
Mr. Vinod Mahadik for the respondent BMC.

CORAM: K.K. TATED, J.

DATED : 21 JANUARY 2015

P.C.:

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

2 This application is preferred by the applicant/original plaintiff for restoration of First Appeal No.1116 of 2014 with Civil Application No.3168 of 2014 which was dismissed for default by an order dated 7 January 2015.

3 Considering the submissions made by the learned advocate for the applicant and averments made in the civil application, I am satisfied that the applicant has made out a case for allowing the civil application.

4 At the same time, applicant to pay cost of Rs.5,000/- to the respondent Corporation within three weeks from today failing which the present civil application shall stand dismissed without referring back to the Court.

5 Hence the following order :-

O R D E R

(a) Order dated 7 January 2015 recalled.

(b) First Appeal No.1116 of 2014 with Civil Application No.3168 of 2014 is restored to file for hearing on its own merits.

(c) Applicant to pay cost of Rs.5000/- to the respondent Corporation within three weeks from today failing which the civil application shall stand dismissed without referring back to the Court.

(d) Civil application stands disposed of accordingly.

(K.K.TATED, J.)