

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.524 OF 2015
IN
SECOND APPEAL (ST.) NO.11823 OF 2008

Navabulla Garibulla Pathan ... Applicant
Vs.
Uran Nagarpalika Parishad through its CEO ... Respondent

Mr. Uday P. Warunjikar i/b. Mr. Sachin K. Hande for Applicant.
Mr. Sachin B. Shetye for Respondent.

CORAM : R. G. KETKAR, J.
DATE : MARCH 25, 2015

P.C. :

Not on Board. At the request of Mr. Warunjikar, taken up in the production Board.

2. Heard Mr. Warunjikar, learned Counsel for applicant and Mr. Shetye, learned Counsel for respondent.

3. Mr. Warunjikar submitted that the Second Appeal was dismissed in default for not removing office objections. By order dated 23.07.2008, 2 weeks time was granted to remove office objections. He submitted that the office has raised following objections:

- a. C.C. of the District Court grounds of appeal not filed;
- b. C.C. of trial Court's judgment not filed; and
- c. C.C. of trial Court's decree not filed.

4. Mr. Warunjikar assures that after restoration of the Second Appeal, within 2 weeks from today, he will remove office objections. He further states that in the main Appeal notice was not not issued to the respondent.

5. In view thereof and for the reasons stated in the application, Civil Application is allowed in terms of prayer clauses (a) and (b) with no order as to costs. The conditional order dated 23.07.2008 is recalled and the Second Appeal is restored to the file of the Court.

(R. G. KETKAR, J.)

Minal Parab