

**FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 341 OF 2015  
IN  
APPEAL FROM ORDER NO. 22 OF 2013**

|                                                                                                           |                           |
|-----------------------------------------------------------------------------------------------------------|---------------------------|
| 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. Y. K. Sharma i/b Mahesh Tiwari for the applicant.

**CORAM : K. K. TATED, J.  
DATED : 23/03/2015.**

**PC.:**

. Heard learned Counsel for the applicant.

2 This application is for restoration of Appeal from Order no. 22 of 2013 which was dismissed in view of conditional order dated 02.05.2013 passed by learned Registrar for non payment of Bhatta Charges within stipulated time.

3 The learned counsel for the applicant submits that Advocate on record instructed his clerk to pay necessary charges for issuing notices to the respondents. However, due to some negligence on the part of clerk, Bhatta charges could not be paid.

4 Considering the submissions made by the learned counsel for the applicant and reasons disclosed in paragraphs 7 and 8 in Civil Application, I am satisfied that applicant has made out case for allowing Civil Application. At the same time, applicant to deposit cost of Rs.5,000/- for respondent in the Registry of this Court within four weeks from today.

5 Hence, the following order.

a) Order dated 02.05.2013 passed by learned Registrar (Judicial-I) is set aside.

b) Appeal from Order no. 22 of 2013 is restored on file for hearing on its own merits.

c) Two weeks time is granted to the applicant to pay Bhatta Charges, failing which the Civil Application shall stand dismissed without further reference to the court.

d) If bhatta charges are paid within stipulated time as stated herein above, office is directed to issue notice to the respondents in Appeal from Order no. 22 of 2013 returnable after 8 weeks.

e) In addition to usual mode of service, applicant is permitted to serve respondents in Appeal from Order no. 22 of 2013 by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.

f) Applicant to deposit sum of Rs.5,000/- by way of cost payable to the respondent in the Registry within four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

g) Civil Application stands disposed of accordingly.

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