

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

CIVIL APPLICATION NO.1094 OF 2015
IN
RC/1995/2013
IN
FIRST APPEAL (ST) NO.13626 OF 2012

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. Amit Shete for the Applicant

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

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the Applicant, the matter is taken on board for urgent orders.

2. This Application is for restoration of the First Appeal (ST) No.13626/2012 which was dismissed in view of conditional order dated 07/03/2013 passed by the Registrar (Judicial – II). The Registrar by order dated 07/03/2013 granted two weeks time to remove all office objections, failing which the First Appeal would stand dismissed.

3. The learned counsel for the Applicant submits that because of mistake on the part of the

Advocate, a deficit court fees of Rs.2635/- was not paid within stipulated time. He submits that because of mistake on the part of an Advocate a litigant should not suffer. The Applicant is ready and willing to remove all office objections within 2 weeks from today. Statement is accepted.

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.

5. Hence, the following order:

a) The order dated 07/03/2013 passed by the Registrar (Judicial -II) is set aside.

b) 4 weeks time is granted to the Applicant to remove all office objections including payment of court fees, failing which the Civil Application shall stand dismissed without further reference to the court.

c) Civil application stands disposed off accordingly.

JUDGE