

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

**CIVIL APPLICATION NO. 3106 OF 2014
IN
FIRST APPEAL NO. 578 OF 2009**

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. S. V. Gavand for the applicant.

Mr. A. S. Kulkarni for the respondent nos. 1 & 2.

CORAM : K. K. TATED, J.

DATED : 29/07/2015.

P.C.:

. Heard learned Counsel for the parties.

2 This application is preferred by plaintiff for restoration of Civil Application no. 3449 of 2011 which was dismissed for non compliance of order dated 22.08.2011.

3 The learned Counsel for the applicant submits that during that period, the Advocate on record met with an accident and therefore, the said order was not complied.

4 Considering the submissions made by learned counsel for the applicant and averments made in

civil application, I am satisfied that applicant has made out the case for allowing the civil application.

5 Hence, the following order is passed:

a) Delay in preferring the present Civil Application is condoned.

b) Civil Application no. 3449 of 2011 is restored on file along with order dated 22.08.2011.

c) The learned Counsel for the respondent waives service in First Appeal no. 578 of 2009.

d) The applicant to remove all office objections, if any, in First Appeal no. 578 of 2009 within four weeks from today.

e) The applicant to pay cost of Rs.1000/- to the respondent or their Advocate.

f) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)