

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

**CIVIL APPLICATION NO.644 OF 2015
IN
SECOND APPEAL NO.279 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.Kalpesh R. Mandlik i/b Mr.Vikas Kolekar
for the applicant
Mr.R.S.Kate for the respondent

CORAM : K.K.TATED, J.
DATED : 06/10/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is for restoration of Second Appeal No.279 of 2013 with Civil Application No.798 of 2013 which was dismissed for non-prosecution on 5.11.2014.
- 3 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in paragraph 4, 5 and 6 of the Civil Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, applicant has to pay cost of Rs.5,000/- to the respondent or their advocate within two weeks from today. Hence, following order:

- a) Order dated 5.11.2014 passed by this court is recalled.
- b) Second Appeal No.279 of 2013 with Civil Application No.798 of 2013 is restored on file for hearing on its own merits.
- c) Applicant either to pay to the respondent or deposit in the Registry, cost of Rs.5,000/- within two weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.
- d) Civil application stands disposed off accordingly.

(K.K.TATED, J.)

CERTIFICATE

Certified to be true and correct copy of the original
signed order.