

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

CIVIL APPLICATION NO.1098/2015
IN
SECOND APPEAL (ST) No. 19112/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. R. S. Patil for the Applicant.

CORAM : K. K. TATED, J.
DATE : AUGUST 25, 2015

P.C.:

1. Heard. This Application is preferred by the Defendant for restoration of the present appeal which stood dismissed vide conditional order dated 12/11/2014 by the Registrar (Judicial-II).

2. The learned counsel for the Applicant submits that inadvertently, it remained on their part to remove office objections within stipulated time. He submits that they already removed all office objections. To that effect, the Applicant has made a statement in paragraph 2 of the Civil Application. He submits that the Applicant has good chance of success in the matter. He submits that in the interest of justice, this Hon'ble Court be

pleased to condone the delay in filing the Civil Application and restore the Second Appeal to file for hearing on merits.

3. It is to be noted that in the present Civil Application, the Applicant is seeking to set aside order dated 12/11/2014 passed by the Registrar (Judicial-II) and restore the Second Appeal to file. When the said order was passed, no one was representing the Respondent. Hence, it is not necessary to issue notice to the Respondent in the present Civil Application.

4. Considering the submissions made by the learned counsel for the Applicant and as the Applicant has already removed all office objections, as stated in paragraph 2 of the Civil Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5. Hence, the following order:

a) Civil Application is allowed in terms of prayer clauses (b) and (c) which read thus:

“(b) Order dated 12.12.2014 passed by the Registrar (Judicial-II) may kindly be recalled and aforesaid Second Appeal along with Civil Application be restored.

(c) Delay of 86 days, if any, caused in filing this Civil Application may kindly be condoned.”

(b) Civil application stands disposed off accordingly.

JUDGE