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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 733 OF 2015
IN
SECOND APPEAL NO. 252 OF 2014

Malkiyat Singh H.Gill

.. Applicant

Vs.

Smt.Jeet Kaur Muktiyar Singh Mann and others .. Respondents

Mr.Avinash B.Avhad, Advocate for the Applicant.

CORAM : R. G. KETKAR, J.

DATE : 08th MAY, 2015

P.C. :

. Heard Mr.Avinash B.Avhad, learned Counsel for the applicant.

2. This is an application for recalling the order dated 15/11/2014 after condoning the delay of 121 days in filing the application. Mr.Avhad submitted that matter was on board on 11/11/2014. However, he could not appear on that day. The matter was, thereafter, adjourned to 15/11/2014 and was kept under the caption of 'for dismissal'. Even on that day, he could not appear and therefore, appeal was dismissed in default. He has invited my attention to paragraph 4 of the application. He further states that notices in the main appeal were not issued to the respondents.

3. In view thereof and for the reasons stated in the application, I am satisfied that applicant has made out a sufficient cause for granting relief. Hence, Civil Application is allowed in terms of prayer clauses (b) & (c) with no order as to costs. Second Appeal along with Civil Application is restored to the file of this Court.

(R. G. KETKAR, J.)