

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

**CIVIL APPLICATION NO.5023 OF 2006
IN
FIRST APPEAL (ST) NO.7640 OF 1994**

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.Prashant Naik for the applicant

Mr.A.R.Patil, A.G.P. for respondent no.3

**CORAM : K.K.TATED, J.
DATED : 11/02/2015**

PC:

- 1 Heard the learned counsel for the applicant and learned A.G.P. for the State.
- 2 This application is for setting aside the order passed by learned Additional Registrar dated 9.2.1999 and for restoration of Civil Application No.755 of 1998 and 756 of 1998.
- 3 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. Hence, following order:

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

“a) that the order of the Additional Registrar dated 9.2.1999 be set aside and the Civil Application Nos.755 & 756 of 1998 be restored on file.

b) that the abatement if any, be set aside and the delay in filing of the present Civil Application be condoned.

c) that the Respondent Nos.1(a)(i) to 1(a)(iii) be brought on record in the present First Appeal as well as Civil Application Nos.755 and 756 of 1998.”

B) Applicant to carry out appropriate amendment as per prayer clause (c) within 8 weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.

C) Civil Application is disposed of accordingly.

(K.K.TATED, J.)