

IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.854 OF 2014

IN

SECOND APPEAL NO.352 OF 1988

(Francis S. D'Mello (decd) through heirs Vs. Robert F. D'Mello and others)

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. M. Gorwadkar for Applicants.

CORAM : R. G. KETKAR, J.**DATE : 27TH MARCH, 2015****P.C.:**

Heard Mr. Gorwadkar, learned Counsel for applicants.

2. Office remark shows that all the respondents are served.
3. Mr. Gorwadkar submitted that by order dated 10.02.2014, the Second Appeal was dismissed in default after recording that earlier, he had filed appearance on behalf of the appellants. Subsequently, after following the procedure, he had obtained the discharge. The Court noted that in spite of the service of notice for engaging another Advocate, none appeared on behalf of the appellants. Mr. Gorwadkar submitted that appellants have now instructed him to conduct the appeal and accordingly, he has filed appearance.
4. In view thereof and for the reasons stated in the

application, Civil Application is allowed in terms of prayer clauses (a) and (b) with no order as to costs. Second Appeal No.352 of 1988 is restored to the file of this Court.

(R. G. KETKAR, J.)

Minal Parab