

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

CIVIL APPLICATION NO.1142/2015
IN
APPEAL FROM ORDER (ST) NO.22652/2014

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. Dilip M. Shukla for the Applicant
Mr. S. A. Sayyed for the Respondent.

CORAM : K. K. TATED, J.

DATE : AUGUST 10, 2015

P.C.:

1. Heard. This Application is preferred by the Defendant No.1 for restoration of the present appeal which was dismissed in view of conditional order dated 26/02/2015 passed by the Registrar (Judicial-II) for non removal of the office objections.

2. The learned counsel for the Applicant submits that the Applicant undertakes to remove all office objections within 4 weeks from today.

3. On the other hand, the learned counsel for the Respondent submits that there is no question of allowing the Civil Application as the Appeal from Order is not maintainable against the impugned

order dated 31/07/2014 passed by the Bombay City Civil Court, Mumbai in Summary Suit No.3934/2009.

4. Considering the submissions made by the learned counsel for the Applicant, I am of the opinion that the objection raised by the counsel for the Respondent about maintainability of the Appeal from Order can be decided at the time of admission of the appeal.

5. Hence, following order is passed:

- a. Order dated 26/02/2015 passed by the Registrar (Judicial-II) is set aside.
- b. The Appellant is directed to remove all office objections in Appeal from Order (ST) No.2252/2014 within 4 weeks from today, failing which the appeal shall stand dismissed without further reference to the court.
- c. Civil Application stands disposed off accordingly.

JUDGE