

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

CIVIL APPLICATION NO.999/2015
IN
APPEAL FROM ORDER (ST) NO.23495/2014

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. M. D. Kumar for the Applicant

CORAM : K. K. TATED, J.

DATE : JULY 2, 2015

P.C.:

1. Heard. Mentioned. Not on board. At the request of learned counsel for the Applicant, the matter is taken on board for urgent orders.

2. This Application is preferred by the Defendant for restoration of the present Appeal from Order which was dismissed in view of conditional order dated 02/03/2015 passed by this court.

3. The learned counsel for the Applicant submits that by order dated 02/03/2015 this court directed the Applicant to pay cost of Rs.5000/-. He submits that the Applicant paid the cost on last

date i.e. 16/03/2015, however, it remained on his part to submit a receipt thereof in the Registry. Hence, the Registry has shown the matter as “dismissed”.

4. Considering the submissions made by the learned counsel for the Applicant and as the cost is paid by the Applicant on 16/03/2015, 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 (a) and (b) which reads thus:

a. Delay of 86 days in taking out the present Application, if any, be condoned.

b. That this Hon'ble Court be pleased to recall and set aside the order dated 02/03/2015 passed by this Hon'ble Court and restore the above Appeal from Order on record and be heard and dispose of the same on merits in the interest of justice.

b) Civil Application stands disposed off accordingly.

JUDGE