

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

CIVIL APPLICATION NO.1497 OF 2015

IN

SECOND APPEAL NO.394 OF 2013

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.Murlidhar Bhikaji Kale for the applicant
Mr.PJ.Pawar for the respondent nos.1 and 2

CORAM : K.K.TATED, J.

DATED : 30/10/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by plaintiff for restoration of Second Appeal No.394 of 2013 which was dismissed by order dated 21.11.2014 and 4.8.2014 passed by this court for non-payment of cost of Rs.2000 by both the parties.
- 3 This court by order dated 4.8.2014 (Coram:R.K.Deshpande, J.) directed both the parties to pay cost of Rs.2000 in the office of High Court Legal Aid Services Committee. Both the counsel submit that they are ready and willing to pay cost in the office of High Court Legal Aid Services Committee on or before 20.11.2015.
- 4 Statement is accepted.
- 5 Both the counsel submit that matter is already

settled out of court. They have received instructions to file Consent Terms on record.

6 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) Order dated 4.8.2014 and 21.11.2014 passed by this court is recalled to the extent of dismissal of Second Appeal No.394 of 2013.
- b) Second Appeal No.394 of 2013 is restored on file.
- c) Both the parties to pay sum of Rs.2000 each by way of cost in the office of High Court Legal Aid Services Committee as per order dated 4.8.2014 (Coram:R.K.Deshpande, J.) on or before 20.11.2015 and place on record receipt to that effect, failing which Civil Application shall stand dismissed without referring back to the court.
- d) If cost is paid within stipulated time as stated hereinabove, office is directed to place Second Appeal No.394 of 2013 on 30.11.2015 under the caption for filing Consent Terms
- e) Civil application stands disposed off accordingly.

(K.K.TATED, J.)