

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

CIVIL APPLICATION NO. 1104 OF 2014

IN

REJECTED CASE NO. 1306 OF 2014

IN

APPEAL FROM ORDER (ST) NO. 16483 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. S.P Dighe for the applicant.

Mr. Rushil Mehta i/b J. J. Shah for the respondent.

CORAM : K. K. TATED, J.

DATED : 02/02/2015.

P.C.:

. Heard learned Counsel for the parties.

2. This application is for restoration of Civil Application no. 789 of 2013 and Civil Application no. 6 of 2014 along with Appeal from Order (St). no. 16483 of 2013, which were dismissed vide order dated 14/07/2014 for non compliance of order dated 05.05.2014.

3. The learned counsel for the applicant submits that the additional affidavit in Civil Application no. 789 of 2013 is ready. He undertakes to file the same within one week from today. Statement is accepted.

4. Considering the submissions made by learned counsel for the applicant and averments made in Civil Application, I am satisfied that applicant has made out the case for allowing the civil application.

5. Hence, the following order.

- a) Order dated 14.07.2014 passed by this Court is recalled.
- b) Civil Application no. 789 of 2013 and Civil Application no. 6 of 2014 in Appeal from Order (St.) no. 16483 of 2013 are restored on file.
- c) Applicant to file their additional affidavit in Civil Application no. 789 of 2013 within one week from today, failing which, Civil Application shall stand dismissed without referring back to the court.
- d) If above mentioned order is complied, office is directed to place both the Civil Applications i.e. Civil Application no. 789 of 2013 and Civil Application no. 6 of 2014 on board for hearing on 10.02.2015.

(K.K.TATED, J.)