

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

**CIVIL APPLICATION NO.266 OF 2015
IN
CIVIL APPLICATION NO.87 OF 2013
IN
SECOND APPEAL (ST) NO.10288 OF 2012**

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.L.H.Patil for the applicant

Mr.PR.Kadam for the respondent

CORAM : K.K.TATED, J.

DATED : 24/08/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is for restoration of Civil Application No.87 of 2013 which stood dismissed in view of conditional order passed on 25.11.2013.
- 3 The learned counsel for the applicant submits that they already removed all office objections. He submits that there was delay on their part to comply the earlier conditional order dated 25.11.2013. He submits that in the interest of Justice, this Hon'ble Court be pleased to condone the delay and restore Civil Application No.87 of 2013 on file.

4 The learned counsel for the respondent vehemently opposed the present Civil Application. He submits that applicant has not shown sufficient ground for delay in complying the conditional order dated 25.11.2013. Hence, there is no substance in the present Civil Application and same be dismissed.

5 Heard the learned counsel for the parties.

6 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed by the applicant in Civil Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

A) Civil Application is allowed in terms of prayer clause (b) and (c) which read thus:

“(b) that the delay of 218 days in filing the application may kindly be condoned;

(c) that the order dated 03/07/2012 passed by the Addl.Registrar Judicial II of rejection of Second Appeal stamp No.10288 of 2012 vide Rejection No.1016 may kindly be recalled and set-aside and time granted by the order dated 25/11/2013 passed in Civil Application No.87/2013 may kindly be extended for 4 weeks to remove office objections.”

B) Civil application stands disposed off accordingly.

(K.K.TATED, J.)