

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

**CIVIL APPLICATION NO.395 OF 2014
IN
FIRST APPEAL (ST). NO.21943 OF 2011**

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.Madhukar Kulzunkar with Ms.Namita Mistry i/b M/s.Navdeep Vora & Associates for the applicant

Miss Sangeeta K. Misal for the respondents

CORAM : K.K.TATED, J.
DATED : 29TH JANUARY, 2015

PC:

1 Heard the learned counsel for the parties.

2 Advocate Miss Sangeeta K. Misal makes a statement that she received instructions to appear on behalf of respondent nos.2 to 5. She undertakes to file her Vakalatnama within two weeks from today.

3 Statement is accepted.

4 The learned counsel for the respondent nos.2 to 5 after taking instructions from respondent no.4 Chedi Jatha Tiwari who is

present in court submits that though the respondent requested earlier advocate A.K. Dubey to give no objection, same was refused.

5 In view of these facts liberty granted to the advocate to file her Vakalatnama on behalf of respondent nos.2 to 5.

6 Office is directed to waive the objection about no objection from earlier advocate.

7 Though respondent no.1 is duly served no one appeared on behalf of her when the matter was called out.

8 This application is preferred by original opposite party for restoration of First Appeal (ST) no.21943 of 2011 and Civil Application No.3609 of 2011.

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

a) Order dated 23.2.2012 passed by learned Registrar is set aside.

b) Civil Application No.3609 of 2011 and First

Appeal (ST). No.21943 of 2011 is restored on file for hearing on its own merits.

c) The learned counsel for the respondent nos.2 to 5 waives service in First Appeal as well as in pending Civil Applications.

d) Applicant to pay cost of Rs.3,000/- to the respondent nos.2 to 5 or their advocate within four weeks from today.

e) Civil Application is disposed of accordingly.

(K.K.TATED, J.)