

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

CIVIL APPLICATION NO.4998/2011
IN
FIRST APPEAL (ST) NO.13673/2011

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. Tanveer Khan i/b. J. J. Berdeskar for the Applicant

CORAM : K. K. TATED, J.
DATE : JULY 15, 2015

P.C.:

1. Heard. None for the Respondent No.2, though duly served.
2. As per the order dated 22/10/2012 passed by the Registrar, the Civil Application stood abated against Respondent No.1.
3. This Application is preferred by the claimant for restoration of Civil Application No.2106/2011 with First Appeal (ST) No.13673/2011 which was rejected for non compliance of conditional order dated 14/06/2011 passed by this court.

4. Considering the submissions made by the learned counsel for the Applicant and the reasons stated in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5. Hence, the following order:

- a) Delay in preferring the Civil Application is condoned.
- b) Civil Application No.2106/2011 with First Appeal (ST) No.13673/2011 is restored to file for hearing on merits.
- c) The Applicant is directed to serve the remaining Respondents by way of private notice either by RPAD and/or by hand delivery and file an Affidavit of service to that effect within 8 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.
- d) If affidavit of service is filed within stipulated time as stated hereinabove, Office is directed to place the Civil Application No.2106/2011 on board for hearing.
- e) Civil application stands disposed off accordingly.

JUDGE