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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1513 OF 2015  
IN  
APPEAL FROM ORDER NO.519 OF 2014

|                        |                |
|------------------------|----------------|
| Kalpana K. Jain        | ...Applicant   |
| V/s.                   |                |
| Sandeep K. Jain & Anr. | ...Respondents |

Mr.G.K. Vora for the Applicant.

None for the Respondents.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 8TH DECEMBER, 2015.**

**P.C. :-**

1. Mr.Vora, learned counsel for the applicant states that the respondents are served. None appeared for the respondents.
2. By this civil application, the applicant seeks recall of the order dated 22<sup>nd</sup> July, 2014 passed by this Court thereby dismissing the appeal from order in view of non-compliance of the conditional order passed by this Court. It is submitted by learned counsel for the applicant that though the respondents were served pursuant to the order passed by this Court, the applicant could not file affidavit of service within the time prescribed. He submits that when the matter was mentioned on 11<sup>th</sup> August, 2014, this Court observed that since

the appeal from order was already disposed of in view of the conditional order dated 22<sup>nd</sup> July, 2014 passed by this Court, the application of the applicant was not maintainable.

3. For the reasons stated in the civil application, the civil application is made absolute in terms of prayer clauses (a), (b) and (c).

4. The appeal from order as well as the civil application are restored to file. Place the appeal from order on board for admission on 11<sup>th</sup> January, 2016.

5. The civil application is accordingly disposed of in aforesaid terms. No order as to costs.

**(R.D. DHANUKA, J.)**