

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

CIVIL APPLICATION NO.45/2015
IN
APPEAL FROM ORDER NO.443/2010

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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Mrs. A.R.S.Baxi for the Applicant
Mr. Sachin Padiye i/b. Girish Agrawal for the Respondent.

CORAM : K. K. TATED, J.
DATE : JULY 20, 2015

P.C.:

1. Heard. This Application is preferred by the Plaintiff for recalling the order dated 09/10/2012 passed by this court by which a liberty was granted to the Applicant to move for restoration of the appeal as and when suit is restored.

2. The learned counsel for the Applicant submits that in the present proceedings, during pendency of the Appeal from Order the Special Civil Suit No.205/2008 was dismissed. Thereafter the Applicant preferred an Application for restoration which was allowed by the Trial Court on 17/07/2014. In view of subsequent development, the Applicant has taken out the present Civil Application.

3. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application and subsequent development i.e. Special Civil Suit No. 205/2008 is restored by the judgment and order dated 17/07/2014, I am of the opinion that the Applicant has made out a case for allowing the Civil Application.

4. Hence, following order is passed:

- a. Order dated 09/10/2012 passed by this court in Appeal from Order No.443/2010 with Civil Application No.576/2010 is recalled.
- b. The Appeal from Order No.443/2010 and Civil Application No.576/2010 is restored to file for hearing on merits.
- c. Civil application stands disposed off accordingly.

JUDGE