

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

**CIVIL APPLICATION NO.1591 OF 2015
IN
SECOND APPEAL NO.147 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.Shah Kayval P. for the applicant

Mr.S.S.Shah for the respondent nos.1 to 5 and
7 to 10

CORAM : K.K.TATED, J.
DATED : 17/10/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is for restoration of Second Appeal No.147 of 2011 against respondent no.5 which was dismissed in view of conditional order dated 20.1.2015 passed by learned Registrar (Judicial-II).
- 3 The learned counsel for the respondent nos.1 to 5 and 7 to 10 submits that they have no objection if Civil Application is allowed.
- 4 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as advocate for respondents has given no objection, I am satisfied

that the Applicant has made out a case for following order:

- a) Delay in preferring Civil Application is condoned.
- b) Order dated 20.1.2015 passed by learned Registrar (Judicial-II) is set aside.
- c) Second Appeal No.147 of 2011 and pending Civil Application, if any, is restored against respondent no.5.
- d) The learned counsel for respondent nos.1 to 5 and 7 to 10 waives service in Second Appeal No.147 of 2011 and pending Civil Applications, if any.
- e) Civil application stands disposed off accordingly.

(K.K.TATED, J.)