

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

**CIVIL APPLICATION NO.398 OF 2015
IN
SECOND APPEAL NO.223 OF 2014**

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.Talukdar Rambux Singh for the applicant

CORAM : K.K.TATED, J.
DATED : 21/09/2015

PC:

- 1 Heard the learned counsel for the applicant.
- 2 Advocate for the applicant submits that respondents are duly served by hamdast. To that effect, affidavit of service dated 19.3.2015 is filed.
- 3 Though respondents are duly served, no one appeared on behalf of them when the matter was called out.
- 4 This application is for restoration of Second Appeal No.223 of 2014 with Civil Application No.580 of 2014 which was dismissed for default by order dated 10.9.2014.
- 5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the paragraph nos.3, 4 and 5 of

the Civil Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a) Order dated 10.9.2014 passed by this court is recalled.
- b) Second Appeal No.223 of 2014 with Civil Application No.580 of 2014 is restored on file for hearing on its own merits.
- c) Civil application stands disposed off accordingly.

(K.K.TATED, J.)

CERTIFICATE

Certified to be true and correct copy of the original
signed order.