

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

**CIVIL APPLICATION NO.4570 OF 2013
IN
FIRST APPEAL (ST) NO.28821 OF 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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Mr.Amit M. Shete for the applicant

Mr.A.B.Tajane for the respondent nos.4, 5, 10 to 13

Mr.S.A.Kumbhakoni for respondent nos.1, 2, 6, 7, 8 and 9

CORAM : K.K.TATED, J.
DATED : 01/07/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is for restoration of Civil Application No.4409 of 2010, 4410 of 2010 and First Appeal (ST) No.28821 of 2010 which was dismissed in view of conditional order dated 21.10.2011 passed by this court for non-payment of bhatta charges.
- 3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied

that the Applicant has made out a case for allowing the present Civil Application.

4 The learned counsel for the applicant submits that valuation in First Appeal is less than Rs.10,00,000/-. Hence, matter is required to be transferred to concerned district court.

5 Office is directed to verify the same and take appropriate steps. Hence, following order:

- a) Civil Application No.4409 of 2010, 4410 of 2010 and First Appeal (ST) No.28821 of 2010 is restored on file.
- b) The learned counsel for the respondent except respondent no.3 waives service in Civil Application No.4409 of 2010 and 4410 of 2010.
- c) Office is directed to verify whether First Appeal is maintainable in this court. If not, office to take appropriate steps to transfer the same to the concerned district court.
- d) Civil application stands disposed off accordingly.

(K.K.TATED, J.)