

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

CIVIL APPLICATION NO.317/2015
IN
SECOND APPEAL (ST) NO.29997/2013

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. Mithun Mahajan i/b. A. K. Patil for the Applicant

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

P.C.:

1. Heard.

Filing of an affidavit in support of the Civil Application is dispensed with.

2. This Application is for restoration of the Second Appeal which was dismissed for non compliance of conditional order dated 03/09/2014 passed by the learned Registrar (Judicial-II) and for condonation of 57 days delay in filing the Civil Application.

3. The learned counsel for the Applicant submits that because of mistake on the part of their Junior Advocate who was in-charge of the matter,

it remained on the part of the Applicant to remove all office objections. He submits that the Applicant undertakes to remove all office objections on or before 20/11/2015. He submits that in the interest of justice, this Hon'ble Court be pleased to allow the Civil Application. The Applicant has good chance of success in the matter. He submits that if Application is not allowed, irreparable loss will be caused to the Applicant.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made in paragraph 3 and 4 of the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, the Applicant has to pay cost of Rs.2500/-.

5. Hence, the following order:

- a. Delay of 57 days in filing the Civil Application is condoned.
- b. Order dated 03/09/2014 passed by the learned Registrar (Judicial-II) is set aside.
- c. The Applicant to remove all office objections on or before 20/11/2015, failing which the Civil Application shall stand dismissed without further

reference to the court.

d. The Applicant to pay cost of Rs.2500/-. Cost to be deposited in the office of the Maharashtra State Legal Services Authority, High Court, Bombay, on or before 20/11/2015, failing which the matter shall stand dismissed without further reference to the court.

e. Civil application stands disposed off accordingly.

JUDGE