

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

APPEAL FROM ORDER NO.51/2015
WITH
CIVIL APPLICATION NO.65/2015

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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Ms. Archana Khan for the Appellant
Ms. Reena Salunkhe for the Respondent No.2.
Mr. A. V. Diwate for Municipal Corporation

CORAM : K. K. TATED, J.
DATE : JULY 7, 2015

P.C.:

1. Heard. This appeal is preferred by the Plaintiff being aggrieved by the order dated 23/07/2014 by which the Plaintiff's suit was dismissed for non filing of affidavit of evidence.

2. The learned counsel for the Appellant filed an affidavit-cum-undertaking dated 06/07/2015 stating that the Appellant Plaintiff will file an affidavit of evidence in Trial Court within a week. It is further stated in the said undertaking that they will cooperate to dispose off the L.C.Suit No.201/2007 as early as possible. The Appellant Smt. Kokila Nitish Kotak is present in court. The undertaking is accepted. The affidavit-cum-

undertaking dated 06/07/2015 is taken on record and marked "X" for identification.

3. Without going into the merits of the matter following order is passed:

a. Order dated 23/07/2014 passed by the Trial Court by which the suit filed by the Plaintiff is dismissed for want of affidavit of evidence, is set aside.

b. L.C.Suit No.201/2007 is restored on file of the Trial Court for deciding on its own merits.

c. The Plaintiff to file their affidavit of evidence within a week, with copy to other side, failing which the Appeal from Order shall stand dismissed without further reference to the court.

d. Considering the facts and circumstances of the case, hearing of L.C.Suit No.201/2007 is expedited.

e. This court expects that the Trial Court would dispose of the L.C.Suit No.201/2007 as early as possible but in any case on or before 31/03/2016.

f. The Appellant to pay cost of Rs.10,000/- each to both the Respondents within 2 weeks from today.

g. Ad-interim relief, if any, granted by the Trial Court on 22/10/2007 in draft Notice of Motion to continue till hearing and final disposal of the L.C.Suit No.201/2007.

h. Appeal from Order stands disposed of accordingly.

i. Consequently, Civil Application stands dismissed as infructuous.

JUDGE