

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

**CIVIL APPLICATION NO.2875 OF 2014
IN
FIRST APPEAL (ST) NO.11616 OF 2008**

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.S.S.Salunkhe for the applicant

Mr.C.M.Lokeshappa i/b Mr.G.S.Hegde for the respondent no.3

CORAM : K.K.TATED, J.
DATED : 12/06/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is for restoration of Civil Application No.2597 of 2008 against respondent no.1 M/s.Canter Leasing & Finance Pvt.Ltd. which was dismissed in view of conditional order dated 18.3.2010 in Civil Application No.2597 of 2008.
- 3 The learned counsel for the applicant submits that applicant tried to find out present correct address of respondent no.1. He further submits that even in Tribunal, no one appeared on behalf of respondent no.1. Hence, matter proceeded ex-parte.

4 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. Hence, following order:

A) Civil Application is allowed in terms of prayer clause (a), (b) and (c) which read thus:

“(a) This Hon'ble Court be pleased to recall the order dated 18/03/2010 against the Respondent No.1.

(b) This Hon'ble Court be pleased to condone the delay if any in filing the present Application.

(c) This Hon'ble Court be pleased to permit the Applicant to serve Respondent No.1 by way of substituted service i.e. publication notice in local newspaper at Delhi.”

B) Civil Application is disposed of accordingly.

(K.K.TATED, J.)