

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

**CIVIL APPLICATION NO. 604 OF 2016
IN
FIRST APPEAL NO. 993 OF 1999**

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. M. N. Dhamal for the applicant.

Ms. Priyanka Thakur for the respondent no.5.

CORAM : K. K. TATED, J.

DATED : 11/02/2016

P.C.:

. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 This application is preferred by original defendant no.1 for restoration of First Appeal which was dismissed for default by order dated 02.02.2016.

3 The Advocate Ms. Thakur states that she received instructions to appear on behalf of Respondent No.5. He undertakes to file his vakalatnama within two weeks from today. She submits that they have no objection if the Civil Application is allowed and restored the First Appeal No. 993 of 1999 for hearing on its own merits.

4 The learned Counsel for the applicant submits that Respondent No.5 is contesting party. In the present proceeding, he is not pressing the present Civil Application against the remaining Respondents. Statement is accepted.

5 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing the civil application.

6 Hence, following order is passed:

a) Order dated 02.02.2016 passed by this Court is recalled.

b) First Appeal No. 993 of 1999 is restored on file against Respondent No.5 only, for hearing on its own merits.

c) First Appeal stands dismissed against Respondent Nos. 1A to 4 and 6 to 8A as the same is not pressed by the Applicant.

d) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)