

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

**CIVIL APPLICATION NO. 1913 OF 2015
IN
FIRST APPEAL NO. 54 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. S. T. Bhosale i/b Dilip Bodake for the applicant.
Mr. C. M. Lokesh i/b G.S. Hegade & Asso. for the respondent.

**CORAM : K. K. TATED, J.
DATED : 13/01/2016**

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by Claimants for restoration of Civil Application (St.) No. 19464 of 2010, which stands rejected for non removal of office objections in view of conditional order dated 24.09.2012 passed by the learned Registrar (Judicial-II).

3 The learned Counsel for the applicants submits that they served the Civil Application (St.) No. 19464 of 2010 on Respondents by R.P.A.D., but the copy of acknowledgments were not placed on record. Hence, as per conditional order, Civil Application stands rejected. He further submits that in the month of March, 2015, they received letter

from the Registry of this Court regarding the consent for keeping the matter in Lok Adalat. At that time, the Applicants learnt that the Civil Application preferred by them for bringing legal heirs on record stands rejected. Hence, there is delay in preferring the Civil Application. In support of these contentions, the learned Counsel for the Applicant relies on paragraph 9 of the Civil Application.

4 The learned Counsel for the applicant submits that they have good chance of success in the present matter. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the Civil Application. He further submits that if present Civil Application is not allowed, irreparable loss and injury will be caused to the applicants.

5 The learned Counsel for the Applicants undertakes to file affidavit of the applicant in support of Civil Application within four weeks from today. The undertaking is accepted.

6 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. At the same time, Applicants have to pay cost of Rs.750/- to the Respondent within four weeks from today.

7 Hence, following order.

a) Order dated 24.09.2012 passed by the learned Registrar (Judicial-II) in Civil Application (St) No.19464 of 2010 stands set aside.

b) Civil Application (St.) No. 19464 of 2010 stands restored on file for hearing and final disposal on its own merits.

c) The learned Counsel for the Respondent waives service in Civil Application (St.) no. 19464 of 2010.

d) Applicant to file affidavit-in-support of present Civil Application of Applicant within four weeks from today, failing which civil application shall stand dismissed without referring back to the court .

e) Applicant to pay cost of Rs.750/- to the Respondent within four weeks from today.

f) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)