

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

**CIVIL APPLICATION NO.3075 OF 2014
IN
FIRST APPEAL (ST) NO.13132 OF 2006**

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.Vinay P. Khobragade for the applicant

CORAM : K.K.TATED, J.
DATED : 06/01/2016

PC:

- 1 Heard the learned counsel for the applicant.
- 2 Though respondents are duly served, no one appeared on behalf of them when the matter was called out.
- 3 Advocate for the applicant filed affidavit of service dated 4.8.2014 stating that respondent refused to accept the Registered Post A/D. Said affidavit is taken on record.
- 4 This application is for restoration of Civil Application No.4208 of 2010 which was dismissed for default.
- 5 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied

that the applicant has made out a case for allowing Civil Application. Hence, following order is passed:

- a) Order dated 8.5.2015 passed by this court is recalled.
- b) Civil Application No.4208 of 2010 is restored on file for hearing on its own merits.
- c) Applicant is directed to serve respondent by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect stating that Civil Application No.4208 of 2010 is restored for hearing on its own merits
- d) Civil Application is disposed of accordingly.

(K.K.TATED, J.)