

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

**CIVIL APPLICATION NO.3045 OF 2015
IN
FIRST APPEAL NO.512 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.R.R.Bhosale i/b Ms.Smita Gaidhani for the applicant

Ms.Kinnari Hingal i/b Mr.S.D.Shinde for the respondent nos.7 to 17, 21 to 25

CORAM : K.K.TATED, J.
DATED : 29/01/2016

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by plaintiff for restoration of Civil Application (ST) No.19819 of 2014 which was dismissed in view of conditional order dated 12.1.2015 passed by learned Registrar (Judicial-II) and for restoration of Civil Application No.1760 of 2013 which was dismissed for default as no one appeared on behalf of the applicant.
- 3 The learned counsel for the respondent vehemently opposed the present Civil Application. He submits that applicant has not shown sufficient cause for condonation of delay as well as for

restoration of both the Civil Applications. Hence, there is no substance in the present Civil Application and same be dismissed with costs.

4 It is to be noted that in the present proceeding, Civil Application (ST) No.19819 of 2014 was preferred by the plaintiff for restoration of Civil Application No.1760 of 2013. Civil Application No.1760 of 2013 was for adding respondent no.26, Dilip Suganchand Surana as party respondent in the main First Appeal.

5 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. But at the same time, they have to pay cost of Rs.1500/- to the respondent nos.7 to 10. Hence, following order:

- A) Delay in preferring Civil Application is condoned.
- B) Conditional order dated 12.1.2015 passed by learned Registrar (Judicial-II) is set aside.
- C) Civil Application (ST) No.19819 of 2014 is restored on file for hearing on its own merits.
- D) Civil application stands disposed off accordingly.

(K.K.TATED, J.)