

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

CIVIL APPLICATION NO.1968/2016
IN
WRIT PETITION NO.11164/2013

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. R. N. Kachare with Amit Potnis i/b. Tamhane & Co. for the applicant.

CORAM : K. K. TATED, J.

DATE : SEPTEMBER 7, 2016

P.C.:

1. Heard. This application is for restoration of the Writ Petition which was dismissed in view of order dated 14.06.2016 passed by this court.

2. The learned counsel for the applicant submits that on 14.06.2016, the advocate on record was held up before another court and therefore, could not remain present when the matter was called out. To that effect, he relies on paragraph 5 of the Civil Application.

3. 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. At the same time, the

applicant has to pay cost of Rs.5000/- to the respondent.

4. Hence, the following order:

- a) Order dated 14.06.2016 is recalled.
- b) Writ Petition No.11164/2013 with Civil Application No.2886/2013 is restored to file for hearing on merits.
- c) The applicant to serve a copy of the Writ Petition as well as Civil Application by way of private notice on the respondent either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect on or before next date.
- d) The applicant is directed to pay cost of Rs.5000/- to the respondent or deposit in the Registry of this court within three weeks, failing which the Civil Application shall stand dismissed without further reference to the court.
- e) If cost is deposited within stipulated time as stated hereinabove, the respondent is entitled to withdraw the same unconditionally.
- f) Civil application stands disposed off accordingly.

JUDGE