

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

**CIVIL APPLICATION NO. 2774 OF 2016
IN
WRIT PETITION NO. 10196 OF 2016**

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. Vivek Salunkhe for the Applicant.

**CORAM : K. K. TATED, J.
DATED : 24/10/2016**

PC.:

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

2 The learned counsel for the applicant submits that they already served Respondent No.11. In spite of service, no one appeared on behalf of Respondent No.11. The learned counsel for the applicant undertakes to file affidavit of service. Same is accepted.

4 This application is for restoration of Writ Petition No. 10196 of 2016, which was dismissed in view of conditional order dated 31.08.2016 for non payment of cost within stipulated time.

5 The learned counsel for the applicant submits that this Court by order dated 31.08.2016 directed

applicant to pay cost of Rs.750/- and that cost to be deposited in the office of Kirtikar Library on or before 30.09.2016. He submits that the cost was paid on 06.09.2016 i.e. within time. He submits that by mistake, it remained on their part to inform the same to the Registry. Hence, the Registry shown the petition as dismissed for non compliance of conditional order dated 31.08.2016.

6 Considering the submissions made by the learned counsel for the applicant and as the applicant has paid cost within stipulated time as stated in order dated 31.08.2016, following order is passed:

- a) Time to pay cost as per order dated 31.08.2016 is extended till 27.10.2016.
- b) Writ Petition No. 10196 of 2016 is restored on file.
- c) Writ Petition to be heard on its own merits.
- d) Civil application stands disposed off accordingly.

(K.K.TATED, J.)