

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO.1913 OF 2013
WITH
CIVIL APPLICATION NO.1167 OF 2015**

The Chief Executive Officer ... Appellant
vs.
M/s. Continental Construction Company
and Others ... Respondents

AND

**CIVIL APPLICATION NO.47 OF 2015
IN
CROSS OBJECTION (ST.) NO.1107 OF 2014
IN
FIRST APPEAL NO.1913 OF 2013**

The Sarpanch, Grampanchayat Peth ... Applicant
In the matter between
The Chief Executive Officer ... Appellant
vs.
M/s. Continental Construction Company ... Respondent

Mr. A.R. Kapadia, for the Appellant in F.A. No. 1913 of 2013.
Mr. Amey Deshpande, for Respondent No. 2 in F.A.No. 1913 of 2013 and for the Applicant in CAO. 47 of 2015 in Cross Objection (St.) No. 1107 of 2014.
Ms. Shama Mulla i/b. Ajay Misar & Co., for Respdt. No. 1 in F.A.No. 1913 of 2013 and Applicant in CAF No. 1167 of 2015.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 13th JANUARY, 2016

P.C.:

. The Civil Application No. 47 of 2015 is moved for restoration Cross Objection (St.) No. 1107 OF 2014 which was dismissed for non compliance by the conditional order dated 22nd July, 2014. The learned counsel for the Applicant submits that due to oversight the order remained to be complied with and so the cross objection was dismissed. The Appeal is already admitted and the entire proceeding is required to be sent to the District Court, Nashik. The learned counsel submits that the cross objection be restored.

2. In view of the order passed in Writ Petition(L) No. 228 of 2012 in the case of "*Vikas Baburao Sonawane vs. State of Maharashtra and Others*" the application for Restoration is to be treated as Review Petition.

3. In view of the submissions made on the cross objection, the conditional order dated 22nd July. 2014 is hereby set aside. The Cross Objection (St.) No. 1107 OF 2014 is restored.

4. The Civil Application No. 47 of 2015 is disposed of.
5. The learned counsel for the Appellant submits that the value of the suit is below one crore. Hence, the Registry is hereby directed to transfer the Appeal along with the record and proceeding to the District Court, Nashik on or before 29th January, 2016. The parties to appear before the learned District Judge, Nashik at 11 a.m. on 8th February, 2016.
6. Accordingly, First Appeal No. 1913 of 2013 along with Civil Application No. 1167 of 2015 stands disposed of.

(MRS.MRIDULA BHATKAR, J.)