

Sequeira

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

*CIVIL APPLICATION NO. 123 OF 2015
in
Rejected Case No. 1831 of 2014*

Farooque Mohd.Hanif & ors. .. Applicants
Vs.
Rajiya Mohd. Ayyub & ors. .. Respondents

Shri Amey Deshpande i/b Mr.M.N.Sandhyanshiv, for the Applicant.
Ms.Pooja Joshi i/b Mr.S.R.Ganbavale, for Respondent Nos.2 to 7.

***CORAM: N.M. JAMDAR, J.
Friday, 18 March 2016.***

P.C.:

The Application is for restoration of the Civil Application for condonation of delay which was dismissed for default. The application was dismissed for default since none appeared for the Applicants on eight consecutive dates. The learned counsel for the Applicants states that the suitable costs can be imposed but the Application be considered on merits.

2. By way of indulgence and that because of the fault of an Advocate the litigant should not suffer, the Civil Application is allowed in terms of prayer clause (a) and (b) subject to the condition that the Applicants pay costs of ₹ 2000 to the State Legal Aid Fund, within period of two weeks from today.

3. Place the Civil Application No.273 of 2014 on board on its next C.M.I.S date. The Applicants will give compilation of the Second Appeal as well as Civil Application No.273 of 2014 to the learned counsel appearing for Respondent Nos.2 to 7.

(N.M.Jamdar, J.)