

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION NO.192 OF 2016****IN****APPEAL (Lodg) No.13 OF 2015**

ITC Limited.

...Appellant/Applicant

vs.

Art International Constructions.

...Respondent

Mr.Karan Shroff & Mr.Omkar Kelkar i/b. Mr.Anil T.Agarwal, for the
Applicant/Appellant.

Mr.Prajot H.Jaggi, for the Respondent.

**CORAM : ANOOP V. MOHTA &
G.S.KULKARNI, JJ.**

DATE : 2nd February, 2016.

ORDER :

1. Notice of Motion No.192 of 2016 is taken out by the appellant seeking restoration of the appeal and to continue the interim order already granted. By conditional office order dated 10th December,2015, the appeal was dismissed as the appellant failed to remove the office objections within a prescribed period.

2. Learned Counsel appearing for the Appellant, apart from the averments so made, pointed out that pursuant to the order passed by the Division Bench of this Court on 10th February, 2015, the amounts so directed is already deposited. The respondent has already withdrawn 100% amount on the basis of Undertaking and the bank guarantee. The appeal is admitted on the same date.

3. Therefore, in the interest of justice, in view of the above position, we are inclined to restore the appeal with a condition that the Appellant to deposit court fees within a period of seven days from today, as a condition precedent. The appeal is accordingly restored. The interim order already passed by order dated 10th February, 2015 to continue till the disposal of the appeal. No costs.

(G.S. Kulkarni, J)

(Anoop V. Mohta, J.)