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

CIVIL APPLICATION NO.2594 OF 2016

IN

FIRST APPEAL NO.1398 OF 2009

WITH

FIRST APPEAL NO.1398 OF 2009

M/s Premium Agro Foods

...Applicant

In the matter between

M/s Rosemary & Thyme

...Appellant

vs

M/s Premium Agro Foods

...Respondent

.....

Ms Krupali Rajani for the applicant/Respondent.

Mr H.G.Misar for the Appellant.

.....

CORAM : M. S. SONAK, J.

13 FEBRUARY, 2017

P.C. :

Heard Ms Rajani, learned counsel for the applicant. She submits that the only office objection that remained to be cleared was, service on the appellant. The service is now complete. Mr Misar the learned counsel, now appears for the appellant. He states that he is not been served with the Civil Application seeking restoration.

2 Considering that the service is now complete and that there are no further office objections remaining to be cleared, the order of dismissal for non-prosecution is recalled and the Civil

Application for withdrawal of the amount is restored. Civil
Application No.2594 of 2016 is disposed of accordingly.

(M. S. SONAK, J.)