

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

**CIVIL APPLICATION NO.1386 OF 2017
IN
WRIT PETITION NO.5304 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.Minal Chandnani i/b Mr.J.S.Chandnani for the applicant

Mr.V.A.Desai i/b Mr.S.M.Kamble for the respondent no.3

Mr.S.H.Kenkal, A.G.P for the respondent no.1

**CORAM : K. K. TATED, J.
DATE : JULY 26, 2017**

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 Though other respondents are duly served, no one appeared on behalf of them when the matter was called out.
- 3 This application is for restoration of Writ Petition No.5304 of 2016 which stand dismissed for default by order dated 12.6.2017.
- 4 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in paragraph 2 and 3 of the Civil Application, I am satisfied that the Applicant has

made out a case for allowing the present Civil Application but at the same time, applicant has to pay cost of Rs.2,500/-. Hence, following order is passed:

- a) Order dated 12.6.2017 is recalled.
- b) Writ Petition No.5304 of 2016 is restored on file for hearing on its own merits.
- c) Applicant to pay cost of Rs.2,500/-.
- d) Cost to be deposited in the office of the Kirtikar Law Library, High Court, Bombay, within four weeks from today, failing which the matter shall stand dismissed without further reference to the court.
- e) Filing of affidavit in support of Civil Application is dispensed with.
- f) Civil application stands disposed of accordingly.

(K.K.TATED, J.)