

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

**CIVIL APPLICATION NO. 1804 OF 2017
IN
REJECTED CLAIM NO. 1623 OF 2017
IN
SECOND APPEAL (ST) NO. 3646 OF 2017**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. Sachin P. Shetye for Applicant/Appellant.

**CORAM : K. K. TATED, J.
DATE : DECEMBER 14, 2017**

P.C.:

1. Heard learned Counsel Mr. Shetye for Applicant.

2. This application is for restoration of Second Appeal (St) No. 3646 of 2017 which stand dismissed in view of conditional order dated 9th June, 2017 passed by this Court.

3. The learned Counsel for Applicant submits that this Court by order dated 9th June, 2017 directed the Applicant to remove all office objections on or before 12th June, 2017. He submits that there was a typographical mistake in the name of Respondent No.1 in Appellate Court's Judgment and Decree. Hence, he had made an application

before the Appellate Court for correction. He submits that corrected copy of the Judgment was received by the Applicant on 14th June, 2017 in Regular Civil Appeal No. 186 of 2015. Therefore, there is delay on the part of the Applicant to remove office objections as per the conditional order dated 9th June, 2017 passed by this Court. He submits that in the interest of justice, this Hon'ble Court be pleased to recall the order dated 9th June, 2017 and restore the Second Appeal (St) No. 3646 of 2017 on file for hearing on its own merits.

4. The learned Counsel for Applicant submits that Applicant undertakes to remove all office objections within stipulated time as directed by this Court.

5. It is to be noted that in the present proceedings, this Court by order dated 9th June, 2017 directed the Applicant to remove all office objections on or before 12th June, 2017. The Applicant had applied for correction in the impugned Judgment and order dated 30th November, 2016 in Regular Civil Appeal No. 186 of 2015 before the Appellate Court. The corrected copy was made available to the Applicant by the Appellate Court on 14th June, 2017.

6. Considering these facts, I am satisfied that Applicant has made out a case for allowing the Civil Application. Hence, the following order.

ORDER

- (A) Order dated 9th June, 2017 passed by this Court is recalled.
- (B) Second Appeal (St) No. 3646 of 2017 along with pending Civil Application, if any, is restored on file for hearing on its own merits.
- (C) Applicant to remove all office objections on or before 12th January, 2018, failing which, Civil Application shall stand dismissed without reference back to the Court.
- (D) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)