

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

**CIVIL APPLICATION NO. 1662 OF 2017
IN
SECOND APPEAL (ST) NO. 27212 OF 2016**

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. Dharmesh Jain for Applicants.

**CORAM : K. K. TATED, J.
DATE : DECEMBER 11, 2017**

P.C.:

1. Heard learned Counsel Mr. Jain for Applicants.

2. By this Civil Application, Applicants are seeking to recall the order dated 1st July, 2017 passed by this Court by which Civil Application No. 810 of 2017 for condonation of delay in filing Second Appeal and Second Appeal (St) No. 27212 of 2016 stand dismissed.

3. The learned Counsel Mr. Jain appearing on behalf of Applicants submits that on 1st July, 2017 he was out of town for his personal reason. To that effect he is relying on para no.3 of the Civil Application. He submits that because of the mistake on the part of the Advocate, litigant

should not suffer. He submits that in the interest of justice, this Hon'ble Court be pleased to recall the order dated 1st July, 2017 and restore the Civil Application No. 810 of 2017 along with Second Appeal (St) No. 27212 of 2016 for hearing on its own merits. He submits that if the present Civil Application is not allowed, irreparable loss will cause to them.

4. Considering the submission made by the learned Counsel for Applicants and the reasons mentioned in para no.3 of the Civil Application, I am satisfied that Applicants have made out a case for allowing the Civil Application. Hence, the following order.

ORDER

(A) Order dated 1st July, 2017 passed by this Court in Civil Application No. 810 of 2017 and Second Appeal (St) No. 27212 of 2016 is recalled.

(B) Civil Application No. 810 of 2017 and Second Appeal (St) No. 27212 of 2016 is restored on file for hearing on its own merits.

(C) Civil Application stand disposed of accordingly.

(K.K.TATED, J.)