

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

**CIVIL APPLICATION NO. 1805 OF 2017
IN
CIVIL APPLICATION NO. 692 OF 2017
IN
REJECTED CASE NO. 1617 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.

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

P.C.:

1. Heard learned Counsel Mr. Shetye for Applicant.

2. This application is for recalling the order dated 1st July, 2017 passed by this Court, by which Civil Application No. 692 of 2017 for condonation of delay and Second Appeal (St) No. 29710 of 2016 stand dismissed for non prosecution, as no one appeared on behalf of Applicant.

3. The learned Counsel for Applicant submits that on 1st July, 2017 he was in personal difficulty. He had made averments in para no. 3 of the Civil Application. He submits that because of

personal difficulty of the Applicant's Advocate, no one appeared on behalf of him when the matter was called out. 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 as well as Second Appeal on file for hearing on its own merits. He submits that if the matter is not restored, irreparable loss will be caused to the Applicant.

4. The learned Counsel for Applicant has relied on para no. 3 of the Civil Application. It is stated that on 01.07.2017 his father had fallen down and he was taken to the Hospital. Hence, he rushed to the hospital.

5. Considering these facts, following order is passed.

ORDER

(A) Order dated 1st July, 2017 passed by this Court is recalled.

(B) Civil Application No. 692 of 2017 and Second Appeal (St) No. 29710 of 2016 is restored on file for hearing on its own merits.

(C) Civil Application stand disposed of accordingly.

(K.K.TATED, J.)