

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

CIVIL APPLICATION NO.1658/2017
IN
REJECTED CASE NO.1626/2017
IN
SECOND APPEAL (ST) NO.3792/2017

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. S. V. Sadavarte for the applicant

CORAM : K. K. TATED, J.
DATE : DECEMBER 12, 2017

P.C.:

1. Heard. This Application is for recalling the order dated 01.07.2017 passed by this court by which the Second Appeal stood dismissed.

2. The learned counsel for the Applicant submits that on 01.07.2017 when the matter was called out, he was held up in another court and therefore, none appeared on behalf of him when the matter was called out. He submits that the Respondents are not served in the present matter till today. Therefore, there is no question of issuing notice to the other side.

3. The learned counsel for the Applicant submits that they have good chance of success in

the matter. He submits that because of mistake on the part of the Advocate, a litigant should not suffer. He submits that in the interest of justice this Hon'ble Court be pleased to allow the Civil Application.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made in para 2 of the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

5. Hence, following order is passed.

a. Order dated 01.07.2017 passed by this court is recalled.

b. The Applicant to remove all office objections in the Second Appeal on or before 12.01.2018 except filing of certified copy of appeal memo, failing which the Second Appeal shall stand dismissed without further reference to the court.

c. If all office objections are removed within stipulated time as stated hereinabove, Office is directed to place the matter on board on 29.01.2018 for admission.

JUDGE