

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.693 OF 2016
IN
CIVIL REVISION APPLICATION NO. 816 OF 2014**

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.Piyush Shah, Advocate for Applicants.

Mr. Pradeep Patil, Advocate for Respondents no.1 and 2.

None for respondent no.3.

**CORAM: R.G.KETKAR, J.
DATE : 13/01/2017**

PC:

1. Heard Mr.Piyush Shah, learned counsel for the applicants and Mr. Pradeep Patil, learned counsel for respondents no.1 and 2. None appears for respondent no.3.

2. Mr. Shah submitted that by order dated 21.6.2016, this Court adjourned the matter to 20.7.2016 subject to the applicant herein paying costs of Rs.5000/- to the party in person Mr. Dilip Navatia on or before 5.7.2016 or depositing the same with the Registry of

this Court. Mr. Shah submitted that he has deposited cheque of Rs. 5000/- in the account of Mr. Navatia and the cheque was realized on 11.7.2016. The Registry has made endorsement on 16.6.2016 to the effect that no intimation is given by the Advocate for the applicant as regards payment of costs of Rs.5000/- and, therefore, disposed of the Civil Revision Application for noncompliance of the order dated 21.6.2016.

3. Mr. Shah has invited my attention to the letter dated 5.7.2016 as also bank statement showing that the cheque in the sum of Rs. 5000/- was cleared on 11.7.2016. As the applicant has tendered cheque on 5.7.2016 and the same cheque was realized subsequently, it has to be treated as valid tender on 5.7.2016. Hence, Civil Application is allowed in terms of prayers clause (a) and (b) with no order as to costs.

4. Civil Revision Application No. 816 of 2014 is restored to its original

position. Order accordingly.

(R.G.KETKAR,J.)