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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1309 OF 2016 IN
CUSTOMS APPEAL (L)NO.8 OF 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Pradeep Jetly for the Applicant
None for the Respondent.

CORAM : A.S.OKA, &
RIYAZ I. CHAGLA,JJ.
DATE : AUGUST 14, 2017

P.C.

1 Heard the learned counsel for the applicant/appellant. Notice of Motion No.4106 of 2009 taken out by the applicant has been dismissed on account of non compliance with the order dated 12th October 2015. By the order dated 12th October 2015, Notice of Motion No.4106 of 2009 was restored subject to condition of the applicant removing all office objections in the Notice of Motion. As the office objections were not removed within the time stipulated by order dated 12th October 2015, the Notice of Motion No.4106 2009 stood dismissed for non prosecution.

2 We have perused the affidavit in support of the Notice of Motion. In view of the averments made in paragraphs 5 and 6 of the affidavit in support, a case for restoration is made out. Accordingly, we pass the following order:

. Notice of Motion is made absolute in terms of prayer clauses (a) and (b) subject to condition of the applicant removing all office objections in Notice of Motion No.4106 of 2009 within a period of three weeks from today. If all office objections are not removed within stipulated period, order of dismissal of Notice of Motion No.4106 of 2009 shall stand. If compliance is made within stipulated period, Notice of Motion No.4106 of 2009 shall be placed on board on 18th September 2017.

(RIYAZ I. CHAGLA,J.)

(A.S.OKA,J.)