

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 41 OF 2018
IN
MISC. CIVIL APPLICATION NO. 239 OF 2016

Smt. Vidya Gajanan Kelkar ...Applicant

IN THE MATTER BETWEEN

Smt.Vidya Gajanan Kelkar ...Applicant

Versus

St. Francis Xaviers Church and Ors. ...Respondents

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Mr. Durgaprasad Sabnis i/b. Lex Firmus for the Applicant.
Mr.Abhijit Singh i/b. Mr.A.R.Mishra for Respondent No.3.
Mr. Kiran Gaikwad i/b. M.V.Kini & Co. for Respondent No. 7 (BEST)
Mr. A.R.Patil, AGP for Respondent No. 9.

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CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **MARCH 01, 2018**

P.C.:

1. This Civil Application is moved for restoration of Misc. Civil Application No. 239 of 2016, which was dismissed for default by the order dated 28th September, 2017 passed by this Court.

2. The learned Counsel for the applicant submits that there is a delay of 88 days in filing the Civil Application for restoration. He further submits that the matter was not attended inadvertently and, therefore, it was dismissed. He prays that the Misc. Civil Application be restored, as the applicant will be affected.

3. The learned Counsel for the respondents submits to the order passed by this Court.

4. In view of the above submission, the order dated 28th September, 2017 passed by this Court is hereby recalled. Misc. Civil Application No. 239 of 2016 is restored to its original file. Delay of 88 days is condoned.

5. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)