

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.632 OF 2018

IN

FIRST APPEAL NO.1093 OF 2004

Pune Municipal Corporation.	]	... Applicant / Orig. Appellant
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In the matter between :

Pune Municipal Corporation.	]	... Appellant
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Versus

Prudent Polyconsultant Pvt. Ltd.	]	... Respondent
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Mr. Rajdeep S. Khadapkar for Applicant.

Mr. S. N. Chandrachud for Respondent.

CORAM :- K. K. TATED &
SARANG V. KOTWAL, JJ.
DATE :- 16 FEBRUARY, 2018

P. C. :-

1. Heard the learned Counsel for parties.

2. This Civil Application is preferred by the Applicant / Appellant for restoration of First Appeal No.1093 of 2004 and Civil Application No.27 of 2010 which stood dismissed for non-prosecution by the order dated 18/01/2018. The learned Counsel for the Applicant / Appellant submits that on that date he was not keeping

well. In support of this, he placed on record medical certificate dated 14/01/2018 and also the leave note dated 15/01/2018.

3. The learned Counsel for the Respondent submits that they have no objection if the Civil Application is allowed.

4. Considering the submissions made by the learned Counsel for the Applicant / Appellant, averments made in the Civil Application and as the learned Counsel for the Respondent has no objection, we are satisfied that the Applicant has made out case for allowing this Civil Application. Hence, the following order.

ORDER

- (i) The order dated 18/01/2018 passed by this Court is recalled.
- (ii) First Appeal No.1093 of 2004 and Civil Application No.27 of 2010 are restored to file for hearing and final disposal on merits.
- (iii) Registry is directed to place the First Appeal along with the Civil Application for final hearing on weekly board commencing from 12/03/2018.
- (iv) Civil Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

(K. K. TATED, J.)