

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

**CIVIL APPLICATION NO.991/2019
IN
FIRST APPEAL ST NO.14129/2017**

Office Office Memoranda Coram, Appearances, court's orders or directions and Registrar's orders	Notes,	Court's or Judge's orders

Mr. J. J. Bardeskar for the Applicant

**CORAM : K. K. TATED, J
DATE : MARCH 13, 2019**

P.C.:

Heard. This Application is for restoration of the First Appeal which was dismissed in view of conditional order dated 18.08.2017 passed by the learned Registrar (Judicial-II).

2 The learned counsel for the Applicant submits that inadvertently it remained on their part to remove office objections within time. He undertakes to remove all office objections within four weeks from today. The undertaking is accepted. He submits that the Applicant has good chance of success in the

matter. He submits that in the interest of justice this Hon'ble Court be pleased to set aside the said order and restore the matter to file for hearing on merits.

3 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, the following order is passed:

a. Civil Application is allowed in terms of prayer clauses (a) and (b) which read thus:

(a) This Hon'ble Court be pleased to condone the delay of 139 days in filing of the present Civil Application for restoration of the First Appeal for condonation of delay.

(b) This Hon'ble Court may kindly be pleased allow the present Civil Application entirely and to set aside the order dated 31.08.2017 of rejection bearing R.C.No.2494/2017 and thereby be pleased to restore the First Appeal Stamp No.14129/2017 on the files of this Hon'ble Court and heard the same on merits in the interest of justice."

b. The Applicant is directed to remove all office objections in First Appeal on or before 30.04.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

c. Civil Application stands disposed of accordingly.

(K.K. TATED, J.)