

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1421/2018
in
First Appeal No.1098/2001

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. Swaroop Korade I/b. Surel S. Shah for the Applicant

Mr. A. R. Patil, AGP for Respondent Nos.1 and 2.

CORAM : K.K.TATED, J.

DATED : JUNE 18, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking to recall the order dated 24.02.2017 passed by this court by which the First Appeal stood dismissed for non prosecution.

2 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, the Applicant will have to pay costs of Rs.2500/-.

3 Hence, the following order:

a) Order dated 24.02.2017 passed by this court (Coram : M. S. Sonak.J.) is recalled.

b) The First Appeal is restored to file for hearing on merits.

c) The Applicant shall pay costs of Rs.2500/-.

d) Costs shall be paid to Kirtikar Law Library, High Court, Mumbai, on or before 05.07.2019 and place a receipt thereof on record, failing which the Civil Application shall stand dismissed without further reference to the court.

e) The Civil application stands disposed off accordingly.

f) No order as to costs.

(K.K.TATED, J.)