

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

**CIVIL APPLICATION NO.1529 OF 2010
IN
FIRST APPEAL NO.668 OF 2003**

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.Induprakash Tripathi i/b Mr.L.K.Tripathi
for the applicant

Ms.Madhuri More for the BMC

**CORAM : K. K. TATED, J
DATE : APRIL 4, 2019**

P.C.:

. Heard.

2 Office note shows that Civil Application stands dismissed against Respondent nos.2 and 3.

3 By this Civil Application Applicant is seeking condonation of delay in filing Civil Application and restoration of First Appeal No.668 of 2003 and Civil Application No.2366 of 2002 which stand dismissed for non-

removal of office objections and for default respectively.

4 Learned counsel for the Applicant no.1 is Senior Citizen and Applicant no.2 is not keeping well. He further submits that Applicant no.3 is staying in Gujarat. Hence, there was delay on their part to remove office objections within stipulated time. He further submits that as soon as they learnt about the dismissal of the First Appeal, they immediately filed the present Civil Application. He submits that in the interest of justice, this Hon'ble Court be please to condone the delay in filing Civil Application. He submits that this Hon'ble Court be pleased to restore First Appeal No.668 of 2003 as well as Civil Application No.2366 of 2002 for hearing on its own merits. He submit that if delay is not condoned, irreparable loss will be caused to them.

5 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in Civil Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application but at the same time they have to pay cost of Rs.5000/-. Cost to be deposited in the office of Kirtikar Law Library, High Court, Bombay

within two weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court. Hence, following order is passed:

- a Delay in filing Civil Application is condoned.
- b First Appeal No.668 of 2003 and Civil Application No.2366 of 2002 is restored on file for hearing on its own merits.
- c Applicant to pay cost of Rs.5,000/-.
- d Cost to be deposited in the office of the Kirtikar Law Library, High Court, Bombay, within two weeks from today, failing which the matter shall stand dismissed without further reference to the court.
- e Registry is directed to make appropriate noting in First Appeal No.668 of 2003 as well as Civil Application No.2366 of 2002 that First Appeal as well as Civil Application stands dismissed against Respondent nos.2 and 3.
- f Civil application stands disposed off accordingly.
- g No order as to costs.

(K.K.TATED, J.)