

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

**CIVIL APPLICATION NO. 794 OF 2016
IN
FIRST APPEAL ST. NO. 11357 OF 2015**

Mr. Nasir Latif Shaikh @ Javedbahi. ...Applicant

Versus

Mr. Rajesh Singh & anr. ...Respondent

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Ms. Anita Bhaktwani, Advocate for the Applicant.
Mr. Ganesh S. Patil, Advocate for Respondent no. 3.
Mr. Harish R. Pawar, Advocate for Respondent no. 1.

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CORAM : K.K.TATED, J.
DATED : AUGUST 29th, 2019

P.C.

- 1 Heard learned counsel for the parties.
2. By this Civil Application, Applicant is seeking to set aside the order dated 17th November 2015 passed by Learned Registrar (Judicial-II) by which the First Appeal St. No. 11357 of 2015 stands dismissed for non removal of office objections.
3. The present Civil Application filed by Applicant after delay of 92 days. When the matter was on board 21st August 2019, at that time, in first session, no one appeared on behalf of the Applicant, hence same was dismissed for non

prosecution. Later on advocate for Applicant mentioned the matter and dismissal order was recalled. Same was adjourned for hearing on merits.

4. Today the learned counsel appearing on behalf of the applicant submits that, she did not have any instructions from the applicant, therefore, she requires sometime. Considering all these facts, adjournment is granted on payment of costs.

5. Hence, following order is passed:

A) Registry is directed to place this matter on board 27th September 2019.

B) Applicant to pay costs of Rs. 2500/- to the Respondent no. 1 and also to Respondent no. 3 or their advocates on or before 30th September 2019 and place on record the receipt, failing which the Civil Application shall stand dismissed without further reference to the Court.

(K.K.TATED, J.)