

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

**CIVIL APPLICATION NO. 793 OF 2016
IN
FIRST APPEAL (ST.) NO. 11367 OF 2015**

Mr. Nasir Latif Shaikh @ Javedbhai

...Applicant

Versus

Mr. Rajesh Singh

...Respondent

...

Ms. Anita Bhaktwani, Advocate for Applicant.

Mr. Harish R. Pawar, Advocate for the Respondent.

...

**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 restoration of First Appeal St. No. 11367 of 2015 which stands dismissed in view of the conditional order dated 28th August 2015 passed by the Learned Registrar (Judicial-II) for non removal of office objections.
3. There is a 172 days delay in filling the Civil Application. The present Civil Application was on board before this Court on 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 the Applicant mentioned the

matter for restoration. On his request, the same was restored on file for hearing. Today, learned counsel appearing on behalf of the Applicant submits that, she do not have any instruction. At her request as a last chance adjournment is granted of 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. 2,500/- to respondent or their Advocate on or before 21st 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.)