

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL APPLICATION NO.1018 OF 2017
in
APPEAL FROM ORDER (L) NO.14790 of 2015**

M/s Shree Dayal Builders

Applicant

vs

Anil Kantibhai Patel

.. Respondent

Mr.Naved Chaudhary I/b M/s Bhuta & Associates for
Applicant

***CORAM : K.K.TATED , J
DATE : 9th April, 2019***

P.C

Heard learned counsel for the Applicant.

2. Advocate for the Applicant submits that by this Civil Application, they are seeking restoration of Appeal from order (Lodging) No.14790 of 2015 which stood dismissed in view of conditional order dated 21.9.2015 passed by the learned Registrar (Judicial-II).

3. It is to be noted that the matter appeared before the learned Registrar on 23.7.2015, 24.8.2015 and 21.9.2015 when no one appeared on behalf of the applicant, lastly passed conditional order and matter stood dismissed.

4. Learned counsel for the Applicant submits that they have already removed all office objections. He submits that it remained on their part to remove all office objections within time.

5. Considering the submission made by Advocate for applicant, I am satisfied that the Applicant has made out a case for the allowing this Civil Application but, at the same time, they have to pay costs of Rs.5000/-. Hence the following order :

O R D E R

- (a) Order dated 21.9.2015 passed by the learned Registrar (Judicial-II) is set aside.
- (b) The Appeal from Order (Stamp) No.14790 of 2015 is restored on file for hearing on its merits.
- (c) The Applicant is directed to remove all office objections if any or before 2.5.2019 failing which, the Civil Application shall stand dismissed without referring back to the Court.
- (d) The Applicant to pay costs of Rs.5000/-.
- (e) Costs to be deposited in Kirtikar Law Library, 1st Floor High Court, Bombay on or before 2.5.2019 and place on record receipt to that effect, failing which the Civil Application shall stand dismissed without referring back to the Court.
- (f) Civil Application stands disposed of accordingly.

{K.K.TATED, J}