

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

Civil Application No. 358/2019  
in  
Appeal from Order No. 274/2019

| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders.                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                           | <p>Mr. Preet Chheda I/b. Y. M. Kanchan for the Applicant</p> <p>Mr. Sushil Upadhyay I/b. A. M. Saraogi for Respondent No.1.</p> <p>Mrs. Pritha Dave for Respondent Nos.6 to 9.</p> |

**CORAM : K.K.TATED, J.**  
**DATED : APRIL 25, 2019**

**P.C.**

Heard. The learned counsel for the Applicant has filed an Affidavit of service dated 23.04.2019. Same is taken on record.

2 By this Civil Application, the Applicant is seeking recall of the order dated 12.03.2019 by which the Appeal from Order and the Civil Application stood dismissed for non prosecution.

3 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 has to pay costs of Rs.5000/-.

4 Hence, the following order:

a) Order dated 12.03.2019 passed by this court is recalled.

b) Appeal from Order (ST) No.33053/2018 and Civil Application (ST) No.34797/2018 and Civil Application (ST) No.33054/2018 are restored to file for hearing on merits.

c) The Applicant has to pay costs of Rs.5000/-.

d) Cost shall be paid to Kirtikar Law Library, High Court, Mumbai, on or before 04.05.2019 and place a receipt thereof on record, failing which the Civil Application shall stand dismissed without further reference to the court.

e) Civil application stands disposed off accordingly.

**(K.K.TATED, J.)**

