

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2829 OF 2016  
IN  
FIRST APPEAL NO. 51 OF 1989

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| 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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Ms. R.R. Khosla for the Applicant.  
Mr. S.P. Thorat for the Respondent Nos. 1 and 2.  
Mrs. S.I. Shah for Respondent No.4.

**CORAM: K.K.TATED, J.**  
**DATED : 17/10/2019**

**P.C.**

1 Heard learned Counsel for the parties.

2 By this Civil Application, Applicant is seeking to recall the order dated 02.04.2016 passed by this Court by which the First Appeal stands dismissed for default.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application, but at the same time they have to pay costs.

4 Hence, following order is passed:

a) Order dated 02.04.2016 passed by this Court is recalled.

b) First Appeal No. 51 of 1989 is restored on file for hearing on its own merits.

c) Applicant to pay costs of Rs.500/-

d) Costs to be deposited in Kirtikar Library, Bombay High Court, on or before 16.11.2019 and place on record the receipt to that effect, failing which the Civil Application shall stand dismissed without further reference to the court.

e) If costs is paid, office is directed to place the First Appeal on board on as per its turn.

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