

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (STAMP) NO.14562/2019
IN
REJECTED CASE NO.1329/2018

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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Mr.D.S.Joshi, advocate for applicant.
None for respondent.

CORAM : K.K.TATED, J.
DATED : JUNE 11, 2019

P.C.

Not on board. On the basis of preceipe filed by learned advocate for applicant, the matter is shown on production board for urgent orders.

2. Heard learned counsel for applicant.

3. By this civil application, the applicant is seeking to set aside conditional order dated 10.4.2018 passed by the learned Registrar (Judicial -II) and restore first appeal stamp no.27271/2017 with civil application No.68/2018.

4. Learned counsel for applicant submits

that they filed present first appeal, challenging judgment and award dated 14.6.2017 passed by Motor Accident Claim Tribunal, Satara in M.A.C.P.no.125/2012 holding that respondents/claimants are entitled sum of Rs.31,85,000/- by way of compensation with interest 7.50 % p.a.

5. Learned counsel for applicant submits that inadvertently it remained on the part of applicant to take appropriate steps for service on respondent Nos.3, 4 and 5. He submits that though order was passed by the learned Registrar on 10.4.2018 by mistake, it remained on their part to supply copies for service on respondent nos.3,4 and 5 within two weeks. He submits that they have good chance of success. He submits that in the interest of justice, this Court be pleased to set aside order dated 10.4.2018 passed by learned Registrar (Judicial-II) and restore first appeal and civil application for hearing on its own merits. He submits that if civil application is not allowed irreparable loss and injury will be caused to the applicant.

6. Considering the submissions made by

learned counsel for applicant, averments made in application and because of mistake on the part of learned advocate, litigant should not suffer, I am satisfied that applicant had made out a case for following order but on payment of cost of Rs.2,500/-.

7. Hence, the following order.

a) Order dated 10.4.2018 passed by learned Registrar (Judicial-II) is set aside.

b) First appeal stamp no.27271/2017 with civil application no. 68/2018 are restored on file for hearing on its own merits.

c) Applicant to remove all office objections on or before 29.6.2019 failing which civil application shall stand dismissed without referring back to the court.

d) Applicant to pay cost of Rs.2,500/-.

e) Cost to be deposited in Kirtikar Law Library, High Court, Main building, Mumbai on or before 29.06.2019 and place on record receipt thereof failing which, the civil application shall stand dismissed without

referring back to the court.

f) Civil application disposed of accordingly.

(K.K.TATED, J.)