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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.277 OF 2018
IN
SECOND APPEAL NO.532 OF 1998

Voltas Limited & Anr.	...Applicants
V/s.	
Apparao B. Manore & Anr.	...Respondents

Mr.Kiran S. Bapat with Mr.Avinash Joshi i/b Mulla & Mulla & C.B. & C. for the Applicants.

Mrs.Anjali Helekar for the Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 18TH OCTOBER, 2019.

P.C. :-

1. By this application the applicants seek condonation of delay of 113 days in filing the civil application and seek restoration of the second appeal which is dismissed for default by an order dated 13th February, 2017.

2. Heard learned counsel for the parties and have perused the averments made in the civil application and also in the affidavit in reply filed by the respondents. Though the reasons recorded by the applicants in the civil application for condonation of delay as well as the reasons for remaining absent before this Court when the matter was called out are not fully satisfactory however in the interest of justice the delay is condoned and the order passed by this Court on 13th February, 2017 is recalled on the condition that the applicants

pay the cost of Rs.25,000/- to the respondent no.1 within two weeks from today. It is made clear that the cheque for payment of cost can be served upon the learned advocate appearing for the respondent no.1. It is made clear that no further extension of time would be granted. If payment of cost is not made to the respondent no.1 within the time prescribed, the order passed by this Court recalling the order dated 13th February, 2017 to stand vacated without further reference to the Court.

3. The civil application is made absolute in terms of prayer clauses (a) and (b) on the condition as aforesaid. Interim order which was in force on the date of dismissal of the second appeal on 13th February, 2017 also stand restored.

4. Hearing of Second Appeal No.532 of 1998 is expedited. The parties are at liberty to apply for fixing the date on 25th November, 2019.

(R.D. DHANUKA, J.)