

DDR

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 810 OF 2019
IN
REJECTED CASE NO. 1127 OF 2019**

Shyam G. Shroff ..Applicant

IN THE MATTER BETWEEN

Shyam G. Shroff ..Appellant

vs.

Bomi Mehta & ors. ..Respondents

....

Mrs. Bina R. Pai a/w. Ms. Thakkar for applicant.

Mr. Sachin Mahagavkar a/w. Mr. Darshit Shah for respondent
Nos. 1 to 5.

....

CORAM : M.S.KARNIK, J.

DATE : 28th JUNE, 2019

P.C. :

Heard learned Counsel for the applicant.

2. This is an application for recalling the order dated 22nd April, 2019. Learned Counsel for the applicant invited my attention to the averments made in the application and further stated that all the office objections have in fact been removed.

3. Learned Counsel for the respondents has filed an affidavit opposing the application for restoration. He submits that contradictory statements are made in the application and the Appeal does not deserves to be restored.

4. I have gone through the application. Learned Counsel for the applicant states that all the office objections have been removed.

5. In view of the what is stated in the application and the oral submissions made by learned Counsel for the applicant, the application deserves to be allowed.

6. If the office objections as stated by the applicant are removed, the office to proceed. However, if there are still some office objections, the applicants to remove the same within a period of 2 weeks from today.

7. The application is allowed.

8. The order dated 22/4/2019 is recalled.
9. List the Appeal on 24th July, 2019 for “admission”.

(M.S.KARNIK, J.)