

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3125 OF 2019
IN
FIRST APPEAL NO. 1134 OF 2017

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 for the Applicant.

CORAM: K.K.TATED, J.
DATED : 16.09.2019

P.C.

1 Not on board. At the request of Advocate for the applicant, matter is taken on production board for urgent orders.

2 By this Civil Application, the Applicant is seeking to set aside the conditional order dated 17.09.2018 passed by the learned Registrar (Judicial-II) by which the First Appeal stands dismissed against Respondent Nos. 1 to 4 along with pending Civil Applications.

3 The learned counsel for the Applicant submits that it remained on their part to supply the copies in the registry for issuing notice to Respondent Nos. 1 to 4. He submits that he received instructions from

his client to withdraw First Appeal itself. Therefore, supplying the copies for issuing notice to Respondent Nos. 1 to 4 may be dispensed with and matter be restored to file.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

a) Conditional order dated 17.09.2019 passed by the learned Registrar (Judicial-II), is set aside.

b) First Appeal No. 1134 of 2017 with Civil Application No. 3103 of 2017 are restored on file.

c) Supplying copies for issuing notice to Respondent Nos. 1 to 4 is dispensed with.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)