

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

**CIVIL APPLICATION NO.2953 OF 2019**

**IN**

**FIRST APPEAL NO.1321 OF 2013**

|                                                                                                                             |                           |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office<br>Memoranda of<br>Coram,<br>Appearances,<br>court's orders or<br>directions and<br>Registrar's orders | Court's or Judge's orders |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------|

Mr.P.G.Jagdale for the applicant

**CORAM : K. K. TATED, J  
DATE : AUGUST 22, 2019**

**P.C.:**

. Heard.

2 By this Civil Application, Applicant is seeking restoration of First Appeal No.131 of 2013 which stand dismissed against Respondent no.1 as per order dated 25.2.2015 passed by learned Registrar (Judicial-II).

3 It seems that the advocate for the Applicant appeared before the learned Registrar on 3.7.2014. At that time, learned Registrar passed order to re-issue notice to the

Respondent no.1, returnable after 10 weeks. Thereafter, time to time, matter appeared before the Registrar but no one appeared on behalf of Applicant nor removed office objections i.e. to supply extra copies for issuing notice to Respondent no.1. Hence, Registrar passed conditional order dated 25.2.2015 by which First Appeal stands dismissed against Respondent no.1.

4 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

5 Hence, following order is passed:

- a. Order dated 25.2.2015 passed by learned Registrar (Judicial-II) is set aside.
- b. First Appeal No.1321 of 2013 is restored against Respondent no.1 for hearing and final disposal on its own merits.
- c. Applicant to remove all office objections on or before 27.9.2019 failing which the First Appeal shall stand dismissed without further reference to the court.
- d. If extra copy is supplied within time, registry is directed to issue fresh notice to Respondent no.1, returnable after 10 weeks.

e. In addition to usual mode of service, the Applicant is permitted to serve the Respondent no.1 along with entire proceeding either by registered post and/or hand delivery and file an Affidavit of Service on or before the next date.

f. The Civil Application stands disposed of accordingly.

g. No order as to costs.

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