

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

**CIVIL APPLICATION NO. 2815 OF 2019
IN
FIRST APPEAL NO. 226 OF 2011**

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. B. G. Ligade i/b Drupad Patil for the Applicants.
None for the Respondents.

**CORAM: K.K.TATED, J.
DATED : SEPTEMBER 24, 2019**

PC.

1 Heard Learned Counsel for the Applicants.

2. The advocate for Applicants submits that he has already filed affidavit of service showing that the Respondents are duly served. The statement is accepted.

3. Though all the Respondents are duly served, no one appeared on behalf of them when the matter is called out.

4. By this Civil Application, the Applicants are seeking restoration of the First Appeal No. 226/2011 which stand dismissed on

25/03/2019 in view of non removing office objections.

5. The advocate for the Applicant submits that, it remained on the part of the Applicant to carry out appropriate amendment in cause title of First Appeal by bringing legal heirs on record of deceased Appellant. He submits that, the Applicant undertakes to remove all office objections on or before 19/10/2019. The statement is accepted.

6. Considering the submission made by the Learned Counsel for the Applicants and the averments made in Civil Application, I am satisfied that the Applicant has made out a case for allowing this Civil Application. Hence, the following order:

- a. First Appeal No. 226/2011 is restored on file for hearing on its own merits.
- b. Time is extended till 19/10/2019 to comply the order dated 25/03/2019, failing which, the Civil Application shall dismissed without further reference to the Court.
- c. Civil Application stands disposed of accordingly.
- d. No order as to costs.

(K.K.TATED, J.)