

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

CIVIL APPLICATION NO. 1378 OF 2018

IN

R.C. NO. 1701 OF 2018

(SECOND APPEAL (ST.)NO. 26278 OF 2017)

Tayyab Tarmahamad Meman. ..Applicant.

v/s.

Salim Tarmahamad Meman & ors. ..Respondents.

Mr. Sandeep Mishra, advocate for applicant.

Ms. Swati Khot i/b. Mr. Harshad Bhadbhade, advocate for respondent No. 2A.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JANUARY 28, 2020.

P. C. :

1 This is an application seeking restoration of the matter, which was dismissed for want of prosecution by an order dated 18/6/2018. The applicant has filed application seeking restoration of the matter on 11/9/2018. There is delay of 51 days in filing the said application.

2 The learned Counsel for the respondent has vehemently opposed grant of relief on the ground that in fact, office objections were also not removed on the date when the matter was placed before the court.

Talwalkar

3 The learned Counsel submits that on 31/8/2018 he had received call from the department informing that the appeal is dismissed for want of prosecution since the learned Counsel could not comply with the conditional order dated 16/7/2018. The appeal deserves to be restored to its original status in the interest of justice upon paying costs of Rs. 500/- to be paid to the Maharashtra Legal Services Authority.

4 The application is allowed. The delay is condoned. The second appeal is restored to the file, subject to payment of cost of Rs. 500/- to be paid to the Maharashtra Legal Services Authority..

5 Learned Counsel for the appellant shall remove office objections within two weeks from today, failing which the matter shall stand dismissed for want of prosecution without further reference to the court.

[SMT. SADHANA S. JADHAV, J.]