

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

CIVIL APPLICATION NO.390 OF 2019

IN

APPEAL FROM ORDER (ST.) NO.12265 OF 2018

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

Mr.Sumit Vankadkar for the appellant

Ms.Madhuri More for the BMC

**CORAM : K. K. TATED, J
DATE : APRIL 30, 2019**

P.C.:

. Not on board. At the request of the learned counsel for the Applicant, matter is taken on board for urgent orders.

2 Heard.

3 By this Civil Application, Applicant is seeking to recall the order dated 3.4.2019 passed by this court by which Appeal from Order as well as Civil Application stands dismissed for non-prosecution.

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 Order dated 3.4.2019 passed by this court is recalled.
- B Appeal from Order (St.) No.12265 of 2018 and Civil Application (St.) No.12268 of 2018 is restored on file for hearing on its own merits.
- C Applicant to remove all office objections in Appeal from Order as well as Civil Application on or before 21.06.2019, failing which Appeal from Order as well as Civil Application shall stand dismissed without referring back to the court
- D Civil Application stands disposed of accordingly.
- E Ad-interim protection granted on 23.04.2018 to continue till next date.

(K.K.TATED, J.)