

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2546 OF 2014  
IN  
WRIT PETITION NO.8711 OF 2013

Suresh Pundlik Chavan

..Applicant

-Versus-

Subhash Bhikaji Kulkarni & Ors.

..Respondents

Mr.Sanskar Marathe for applicant

Mr.Omkar Nagavekar i/b. Prabha Badadare for respondent Nos. 7, 9, 10,  
11 and 12

Mr.Rakesh Pathak i/b. Khandeparkar & Associates for respondent No.1(C).

CORAM : R.M.SAVANT, J

DATE : 16<sup>th</sup> APRIL 2015.

PC.

1] The above civil application is a composite application filed for three reliefs. The first relief is seeking condonation of delay in filing the application; second is to restore the petition and the third relief is to bring the heirs of respondent Nos. 6 and 8 on record. Learned Counsel for the petitioner states that insofar as the third relief is concerned, the petitioner would file an appropriate application for the said relief and that the present civil application is being prosecuted only for the first two reliefs.

2] The above petition stood dismissed on account of the order passed

on 23<sup>rd</sup> July 2014 passed by a learned Single Judge of this Court, which order mandated the petitioner to remove the office objections in respect of service being effected on respondent Nos. 6 and 8 within a particular time frame, failing which the order of dismissal was to operate.

3] On account of default committed, the petition stood dismissed for non prosecution. In my view, having regard to the fact that the petition has been dismissed for a technical reason, the same is required to be restored by accepting the reasons for the delay mentioned in the application. The civil application is accordingly allowed, resultantly the petition is restored to file.

4] Insofar as the third relief is concerned, that is to bring legal heirs of respondent Nos. 6 and 8 on record, is concerned, the applicants would be at liberty to file an appropriate application for the same.

5] The Civil Application is accordingly disposed of.

( R.M.SAVANT, J.)