

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

CIVIL APPLICATION NO.3146 OF 2013

**IN
WRIT PETITION (STAMP) NO.4605 OF 2011**

Prafulla Ganpatrao Nalawade and others .. Applicants

IN THE MATTER BETWEEN

Prafulla Ganpatrao Nalawade and others ...Petitioners

Versus

Vishnu Hari Nalavade

(Since deceased through his legal heirs)

Satish Vishnu Nalavade and others .. Respondents

**Mr. Bhushan Walimbe i/by Preeti B. Walimbe, for the Applicants/
Petitioners.**

None for the Respondents.

**CORAM : R.M. SAVANT, J.
DATE : 2nd MARCH, 2015**

PC.

1. The above Civil Application has been filed for restoration of the above Writ Petition which has been dismissed by the conditional order dated 05.07.2012 passed by the Learned Registrar Judicial (I) of this Court. The said order has come in effect because the Respondents No.4 and 5 have not been served in the Writ Petition. The Learned Counsel appearing for the Petitioners states that in the context of the challenge

raised in the above Petition, the Respondents No.4 and 5 are formal parties and therefore, the Petitioners would delete the said Respondents from the array of Respondents. The said Respondents are accordingly allowed to be deleted from the array of Respondents at the risk of the Petitioners. In view of the said deletion, the conditional order dated 05.07.2012 dismissing the Petition for non-service on some of the Respondents would have to be set aside and is accordingly set aside. Resultantly, the Petition is restored to file. The Civil Application is accordingly disposed of. Considering the challenge raised in the above Writ Petition, the Learned Counsel appearing for the Petitioners states that an Appeal from Order would lie. The above Petition is accordingly allowed to be withdrawn with liberty to file an Appeal from Order, if the issue of limitation arises, the fact that the Petitioners were prosecuting the above Petition can be urged by them.

[R.M. SAVANT, J]