

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
 CIVIL APPELLATE JURISDICTION
 CIVIL APPLICATION NO.22 OF 2015
 IN
 CIVIL APPLICATION NO.33 OF 2014
 IN
 REVIEW PETITION (ST) NO.20498 OF 2013
 IN
 SECOND APPEAL NO.120 OF 2013
 (Anil S. Kulkarni Vs. Aparna S. Kulkarni and another)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders

Court's or Judge's orders

Mr. N. N. Wadikar i/b. Mr. Nandu V. Pawar for Applicant.

CORAM : R. G. KETKAR, J.

DATE : 10TH APRIL, 2015

P.C.:

CIVIL APPLICATION NO.22 OF 2015

Heard Mr. Wadikar, learned Counsel for the applicant.

2. This is an application for setting aside the order dated 01.10.2014 of the Registrar (Judl.II) thereby restoring Civil Application No.33 of 2014 in Review Petition (St.) No.20498 of 2013 filed in Second Appeal No.120 of 2013 seeking review of order dated 03.05.2013.

3. Mr. Wadikar submitted that Civil Application No.33 of 2013 was taken out for condonation of delay of 46 days in filing the Review Petition. On that Application, notice was issued on 20.02.2014. He submitted that in the meantime,

addresses of respondents were changed, and therefore, respondents were not served. By order dated 01.10.2014, Registrar (Judl.II) gave 4 weeks time to take steps as regards unserved respondents No.1 and 2 failing which Civil Application was to stand dismissed without further reference to the Court. He submitted that in the present application, applicant has furnished fresh addresses of respondents. The addresses are taken from the cause title of the execution proceedings.

4. In view thereof and for the reasons stated in the application, Civil Application is allowed in terms of prayer clauses (b) and (c) with no order as to costs. Civil Application No.33 of 2014 is restored to the file of this Court.

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Not on Board. At the request of Mr. Wadikar, taken up in the Board.

2. Leave to amend the cause title so as to substitute the address of the respondents is granted. Amendment shall be carried out forthwith.

3. Issue notice to respondents, returnable on 22.04.2015. *Humdast* is permitted.

(R. G. KETKAR, J.)