

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 617 OF 2015
IN
SECOND APPEAL NO. 316 OF 2013**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms. D.S.Mondkar i/b Mr. Sachindra B. Shetye, Advocate for Applicant.

CORAM: R.G.KETKAR, J.

DATE : 05/05/2015

PC:

1. Heard Ms. D.S.Mondkar, learned counsel for the applicant.

2. This is an application for recalling the order dated 7.5.2014 passed by Registrar (Jud.-II), dismissing Second Appeal for non-prosecution against respondents no.3,6,7,8,12,13,15/1. Ms Mondkar states that by order dated 28.8.2013, notices were issued to the respondents, returnable in six weeks. Bhatta was paid and notices were issued to the respondents. However, respondents no. 3,6,7,8,12,13,15/1 could

not be served for want of correct addresses. She submitted that Registrar (Jud.-II) passed conditional order on 9.4.2014 to the effect that if applicant does not take steps against unserved respondents, Appeal would stand dismissed for non-prosecution. She submitted that the applicant has got fresh addresses of these respondents.

3. In view thereof and for the reasons stated in the application, Civil Application is allowed in terms of prayer clauses (a). (b) and (d) with no order as to costs. Second Appeal is restored to the file of this Court. Amendment in the main Appeal shall be carried out within one week from today.

(R.G.KETKAR, J.)