

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

**CIVIL APPLICATION NO. 1532 OF 2015
IN
SECOND APPEAL (ST.) NO. 28835 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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Mr. A. B. Tajane for the applicant.

**CORAM : K. K. TATED, J.
DATED : 28/09/2015.**

PC.:

. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 This application is for setting aside the conditional order dated 08.01.2015 passed by the learned Registrar (Judicial-II) in Civil Application no. 340 of 2014 by which the said Civil Application stands dismissed against the respondent no.12.

3 The learned Counsel for the applicant submits that the applicant tried to find out the present correct address of respondent no.12. He further submits that for want of present correct address the applicant decided to serve the said respondent by publication. Hence, the applicant preferred the present Civil Application.

4 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing the civil application.

5 Hence, the following order is passed:

a) Delay in preferring Civil Application is condoned.

b) Order dated 08.01.2015 passed by the learned Registrar (Judicial-II), is set aside.

c) Civil Application no. 340 of 2014 is restored against respondent no.12.

d) Applicant is permitted to serve the respondent no.12 in Civil Application no. 340 of 2014 by substitute service under Order 5 Rule 20 of Code of Civil Procedure, 1908 by publication in two leading newspapers having wide circulation in area of last known address of respondent no.12 within 16 weeks from today.

e) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)

CERTIFICATE

Certified to be true and correct copy of the
original signed order.