

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

CIVIL APPLICATION NO.1587/2015
IN
SECOND APPEAL NO.63/2012

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. D. D. Rananaware for the Applicant

CORAM : K. K. TATED, J.

DATE : OCTOBER 16, 2015

P.C.:

1. Heard.

Leave to amend. Amendment to be carried out during the course of the day.

2. This Application is filed by the Defendant for restoration of Civil Application No.1455/2013 against the Respondent No.3/a to 3/c, which was dismissed in view of conditional order dated 03/12/2014 passed by the learned Registrar (Judicial-II) for non removal of the office objections.

3. The learned counsel for the Applicant submits that as per the liberty granted by this court

they forwarded notices in Civil Application No.1455/2013 to Respondents by RPAD on 25/06/2014. Those facts were not brought on record before passing the impugned order by the learned Registrar. Hence, that Civil Application dismissed by Registrar against Respondent Nos. 3/a to 3/c. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in making the Civil Application and restore the Civil Application No.1455/2013 against Respondent Nos.3/a to 3/c. He submits that the Applicant undertakes to take appropriate steps for service on these Respondent, immediately.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5. Hence, the following order:

- a) Delay of 263 days in making the Civil Application is condoned.
- b) Order dated 3/12/2014 passed by the Registrar (Judicial-II) is set aside.

c) Civil Application No.1455/2013 is restored against Respondent No.3/a to 3/c.

d) The Applicant to take appropriate steps for service against Respondent Nos.3/a to 3/c within 4 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

e) Civil Application stands disposed off accordingly.

JUDGE