

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3975 OF 2015
IN
CIVIL APPLICATION NO.398 OF 2012
IN
FIRST APPEAL ST. NO.681 OF 2012

Smt.Sarojabai Upendra Kamuni & Ors. ... Applicants

Vs.

Sahadev Mahadev Bhosale & Ors. ... Respondents

Mr.A.B. Tajane for the Applicants

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **8th DECEMBER, 2015**

P.C.:

1. Not on Board. Upon mentioning, taken on Board.
2. This Civil Application is filed for restoration of Civil Application No.398 of 2012, which was filed for condonation of delay of 7 years and 288 days in filing the First Appeal. It is also prayed that the delay of 1 year and 11 months in filing the present Civil Application be condoned.
3. It appears that an objection was raised in respect of service on respondent No.2 and it was necessary to serve respondent No.2 by publication, however, the applicant was to take necessary steps to that effect of seeking permission from the Court for substituted service. The said application was dismissed on 1.10.2013 by the conditional order of

Registrar (Judicial) for non-removal of office objections. It is, therefore, prayed that the said order of the Registrar (Judicial) be recalled and the application for condonation of delay i.e., Civil Application No.398 of 2012 be restored to its file.

4. Heard. For the reasons stated in the Civil Application, the Civil Application is allowed in terms of prayer clause (b). Delay in filing the Civil Application is condoned. The applicants are permitted to serve the respondent No.2 by publication in the daily newspaper Samna, as prayed for. Civil Application No.398 of 2012 is restored to file.

5. Issue notice to the respondents in the Civil Application No.398 of 2012, returnable on 19.1.2016. The applicants to produce a copy of the notice by publication.

(MRIDULA BHATKAR, J.)