

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.
CIVIL APPLICATION NO.4385 OF 2014
IN
FIRST APPEAL NO.706 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. Jonathan Dyslva for the Applicant
Respondent Nos.1 and 5 present in person.

CORAM : K. K. TATED, J.
DATE : MARCH 12, 2015

P.C.:

1. Heard. The learned counsel for the Applicant has filed an Affidavit of service. Same is taken on record. The Respondent No.2 Usman Gulam Mohamed Hazi and Respondent no.5 Mrs. Mahalka Farooq Riyami party in-person present.

2. This Application is preferred by the original plaintiff No.1A, 1B, 1C, 1D, 2 and 3 for restoration of First Appeal No.706/2013 against Respondent Nos.2 to 5.

3. The learned counsel for the Applicant submits that the Registrar (Judicial-II) passed conditional order dated 19/06/2014 granting 4 weeks time to take appropriate steps for service on unserved Respondent Nos.2 to 5. He submits that the notices in the First Appeal were served on Respondent Nos.1 to 3 on 13/05/2014,

Respondent No.5 on 16/06/2014 and Respondent No.4 on 11/08/2014. He submits that the Respondent No.4 was out of town. Hence, there was delay on their part to take appropriate steps to serve Respondent No.4. He submits that to that effect, they filed Affidavit of service dated 21/08/2014 which at page 12 of the Civil Application.

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. Hence, the following order:

- a) Order dated 19/06/2014 passed by the learned Registrar (Judicial-II) is set aside and the matter is restored against Respondent Nos.2 to 5.
- b) Office is directed to place the First Appeal No.706/2013 for admission on 27/03/2015.
- c) The Applicant is directed to inform Respondent Nos.2 to 4 in writing about the next date in First Appeal and file an Affidavit of service to that effect.
- d) Civil application stands disposed off accordingly.

JUDGE