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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 635 OF 2015
IN
CIVIL REVISION APPLICATION NO. 409 OF 2012

Mrs.Jayashree Deepak Kulkarni .. Applicant

Vs.

Shri Balkrishna Tryambak Shete and others .. Respondents

Ms.Jayashree Gite i/b Mr.A.B.Tajane, Advocate for the Applicant.

CORAM : R.G.KETKAR, J.
DATED : 16^h DECEMBER, 2015

P.C. :

. Heard Ms.Jayashree Gite, learned Counsel for the applicant.

2. This is an application for condoning the delay of 18 months in filing the application and for serving the respondents No. 9C, 9D and 4 by advocate's service. Ms. Gite submitted that applicant was under bonafide impression that legal representatives of respondent No.9 namely, respondents No. 9A to 9D were duly served. When the Civil Application No. 143 of 2008 was heard on 19/10/2011, it was recorded in the order that “office remark shows that respondent nos. 9A to 9D who are to be brought on record as heirs of respondent No.9 are served.” She submitted that thereafter the matter was listed before the Registrar (Judicial – II) on

27/03/2014 directing the applicant to take steps against respondents No. 9C, 9D, 9E & 4. She submitted that respondent No. 9E is not party in the proceedings. She submitted that in view of the order dated 27/03/2014, Civil Application stood dismissed against respondents No. 9C, 9D & 4. She submitted that in view of the office remark, applicant was under bonafide impression that respondents No. 9A to 9D are served. She, therefore, prays to condone the delay in filing the application and serve respondents No. 9C 9D & 4 by advocate's notice.

3. In view thereof, Civil Application is allowed in terms of prayer clauses (a) & (c) with no order as to costs.

(R.G.KETKAR, J.)