

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.607 OF 2015

IN

WRIT PETITION NO.1562 OF 2014

Mohamad Papamiya Pathan & Ors. ...Applicants

In the matter between

Mohamad Papamiya Pathan & Ors. ...Petitioners

vs.

Vithal Shankar Gujar & Ors. ...Respondents

Mr.V. B. Tapkir for the Applicants.

CORAM : R. M. SAVANT, J.

DATE : 11th MARCH, 2015.

PC. :-

The above Civil Application has been filed for restoration of the Writ Petition which has stood dismissed for default on account of the conditional order dated 27th August, 2014 passed by the learned Registrar (Judicial-I) of this Court. By the said conditional order, steps were required to be taken in respect of the unserved Respondent No.3, on failure to do so, the Writ Petition has to dismiss for non-prosecution. The learned counsel appearing for the Applicant i.e. the original Petitioner states that the Respondent No.3 is residing at the same address as shown in the cause title of the Petition. The Civil Application is accordingly allowed. Resultantly, the Writ Petition is restored to file against the Respondent No.3. The Civil Application is accordingly disposed of. On restoration, issue

fresh notice to the Respondent No.3 in the Writ Petition returnable on **7th April, 2015**. In addition to service of notice through Court, the advocate for the Petitioners shall serve a private notice by Registered Post A.D. and/or by Courier service and/or by hand delivery on the Respondents and shall file affidavit of service before the returnable date.

(R. M. SAVANT, J.)