

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, AT NAGPUR.**

**CIVIL APPLICATION (CAF) NO.3355 OF 2014**

**AND**

**CIVIL APPLICATION (CAF) NO.3354 OF 2014**

**IN**

**FIRST APPEAL NO.36 OF 2009**

(Jyotsna w/o Bhaskar Chauhan and others ..vs.. Sardar Harpalsing Karnail Singh and others)

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

**CORAM : Z.A. HAQ, J.**

**DATED : 16-1-2015**

Heard Shri S.R. Charpe, the learned Advocate for the applicants and Shri S.N. Dhanagare, the learned Advocate for the non-applicant No.2.

The applicants have filed the Civil Application No. 3354/2014 praying that the dismissal of the appeal against the respondent Nos.1 and 3 pursuant to the order passed by the learned Registrar on 25-8-2009 may be restored against the respondent Nos.1 and 3. There is delay in filing the application, therefore, the Civil Application No.3355/2014 is filed praying for condonation of delay.

Shri S.R. Charpe, the learned Advocate for the applicants submits that the applicants had filed the Civil Application Stamp No.13834/2009 praying for permission to serve the respondent Nos.1 and 3 by publishing the notice in the newspaper. It is submitted that the civil application was filed before the dismissal of

the appeal against the respondent Nos.1 and 3.

Considering the facts on the record, the civil application is allowed and the delay in filing the application for restoration of the appeal against the respondent Nos.1 and 3 is condoned.

For the same reasons, the Civil Application No. 3354/2014 is allowed and the appeal dismissed against the respondent Nos.1 and 3 is restored.

The Civil Application Stamp No.13834/2009 though it is not tagged with the record, accepting the submissions made by the learned Advocate for the applicants, it is allowed. The applicants are permitted to serve the respondent Nos.1 and 3 by publishing notice in the daily "Nav-Bharat" which is published from Nagpur as well as from Raipur. The applicants to deposit the necessary charges with the Registry of this Court till 02-3-2015, failing which this order shall stand recalled and the appeal shall stand dismissed against the respondent Nos.1 and 3.

If the necessary charges are deposited with the Registry of this Court, the notice shall be published as directed above.

The civil application is disposed in the above terms.

**JUDGE**