

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

CIVIL APPLICATION NO.9 OF 2016

IN

WRIT PETITION NO.4420 OF 1996

Shri. Sadashiv Vasant Rao Kashid

(Since deceased through legal heirs)

Sunita Sadashiv Kashid and others

.. Applicants

Versus

Shri. Chandrakant Mahadeo Dalavi and another

.. Respondents

Mr. S. M. Railkar, for the Applicants.

Mr. C. G. Patil, for the Respondent No.1.

CORAM : R.M. SAVANT, J.

DATE : 2nd MARCH 2016

P.C.

1. The above Civil Application has been filed for setting aside of the order dated 11th November 2009 passed by the Learned Registrar of this Court and for restoration of the Petition against the Respondent No.2. The Respondent No.2 is from the family of the Petitioners. However, since he was not available at the time of filing of the Civil Application for bringing the heirs on record, he was shown as the Respondent No.2. The Civil Application is accordingly allowed. Resultantly, the order dated 11th November 2009 is set aside. The Petition stands restored against the Respondent No.2.

2. On restoration, issue fresh notice to the Respondent No.2 returnable on 30th March 2016. In addition to service of notice through Court, the advocate for the Applicants 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. After the service is complete on the Respondent No.2, the Petition to be listed for final hearing.

[R.M. SAVANT, J]