

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 100 OF 2015****IN****SECOND APPEAL NO. 717 OF 2012****Popat Mahadev Chavan & Ors.****..... Applicants****VERSUS****Sidhav Jagannath Phadtare & Ors.****..... Respondents**

Mr.V.S.Talkute for the Applicants.

Mr.A.M.Kulkarni for the Respondent no.1.

CORAM : R.D. DHANUKA, J.**DATE : 5th DECEMBER, 2016****P.C.**

By this civil application, the applicants seek condonation of delay of 147 days in filing civil application and seeks restoration of the second appeal against respondent nos.2/1 and 2/2 which was dismissed in view of the non-compliance of the conditional order passed by the learned Registrar (Judicial-II) dated 15th July 2014.

2. I have heard learned counsel for the applicants and learned counsel for the respondent no.1 and I have perused the averments made in the civil application. In my view for the reasons recorded in the civil application, a case is made out by the applicants for condonation of delay in filing civil application and for setting aside the order passed by the learned Registrar (Judicial-II) dated 15th July, 2014.

3. I, therefore, pass the following order :-

(a) Civil application is made absolute in terms of prayer clauses (a) and (b) on the condition that the applicants takes steps to serve respondent nos.2/1 and 2/2 within 12 weeks from today.

(b) It is made clear that if no steps are taken to serve respondent nos.2/1 and 2/2 within 12 weeks from today, the second appeal to stand dismissed against those two respondents without further reference to court.

(c) No order as to costs.

(R.D.DHANUKA, J.)