

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2821 OF 2015
IN
CIVIL APPLICATION NO.620 OF 2012
IN
FIRST APPEAL NO.73 OF 1999

Shri Gajanan Tabaji Dongre

... Applicant

Vs.

Joseph Berry Pariera

... Respondent

Mr.Sandeep Pathak i/b S.B. Deshmukh for the Applicant
Mr.M.P. Jadhav for Respondent No.1

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 6th JANUARY, 2016

P.C.:

1. The learned Counsel for the applicant submits that this application is moved for restoration of Civil Application No.620 of 2012 which was for appointment of Court Receiver. He submits that in the said application, notices were issued, however, for non-compliance, an order dated 22.8.2013 was passed by the Registrar (Judicial II) that in the event of not taking steps, the Civil Application shall stand dismissed as against the unserved respondent Nos.2b, 2C and 2d. The learned Counsel submits that pursuant to this order, the applicants have taken steps to serve the unserved respondents by publication and have complied with this order and enclosed a copy of the said publication also. However, the Registry did

not take note of it and the application was shown as dismissed for non-compliance. Hence, he prays that it be restored.

2. The learned Counsel for the respondents submits to the orders of the Court.

3. In view of the submissions made by the learned Counsel, the order dated 22.8.2013 is set aside and the Civil Application No.620 of 2012 is hereby restored. This application is allowed. List the Civil Application No.620 of 2012 alongwith the First Appeal on 3.2.2016.

(MRIDULA BHATKAR, J.)