

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

**CIVIL APPLICATION NO.3752 OF 2015
IN
FIRST APPEAL NO.20 OF 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Rohan R. Sonawane for the applicant

Mrs.M.R.Bhoir for the BMC

CORAM : K.K.TATED, J.
DATED : 25/01/2016

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is for restoration of Civil Application No.96 of 2014 which was dismissed against respondent no.2 by conditional order dated 25.9.2014 passed by Registrar (Judicial-II) for not taking appropriate steps for service.
- 3 The learned counsel for the applicant submits that inadvertently it remained on their part to take appropriate steps against unserved respondents. He submits that they have good chance of success in the present proceeding. He submits that in the interest of Justice, this Hon'ble Court be pleased to restore the Civil Application No.96 of 2014

against respondent no.2 by setting aside the conditional order dated 25.9.2014.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

A) Order dated 25.9.2014 passed by learned Registrar (Judicial-II) is set aside.

B) Civil Application No.96 of 2014 is restored against respondent no.2.

C) Applicant to take appropriate steps for service on respondent no.2 in Civil Application No.96 of 2014 within four weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.

D) Civil application stands disposed off accordingly.

(K.K.TATED, J.)