

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2284/2015

IN

FIRST APPEAL NO. 785/2004

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. Dilip Bodake for the Applicant

Mr. C. M. Lokesh i/b. G. S. Hegde & Associates for the Respondent

CORAM : K. K. TATED, J.

DATE : JANUARY 20, 2016

P.C.:

1. Heard. This Application is for setting aside the order dated 01/04/2015 passed by the learned Registrar (Judicial-II) by which the First Appeal stood dismissed against Respondent Nos.5A to 5C for not taking appropriate steps to serve them.

2. 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.

3. Hence, the following order:

a) Civil Application is allowed in terms of prayer clauses (a), (a1) and (b) which read thus:

(a) This Hon'ble Court be pleased to set aside the order dated 01/04/2015 passed by the learned Registrar (Judicial-II) in First Appeal No.705/2004 and restore the said First Appeal against Respondent Nos.5A to 5C.

a(1) This Hon'ble Court be pleased to condone the 39 days delay for filing present Civil Application.

(b) This Hon'ble Court be pleased to allow the Applicant to serve Respondent Nos.5A to 5C by publishing a notice/summons in daily Hindi and Kannada newspaper by way of the substitute service as per Order 5 Rule 20 and other provisions of Code of Civil Procedure, 1908.

b) Notice to be published in relevant news papers within 12 weeks from today.

c) Civil application stands disposed off accordingly.

JUDGE