

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1109 OF 2016
IN
SECOND APPEAL NO. 764 OF 2011

Anna Bhau Hounje
(since deceased through his LRs.)

..... Applicants

VERSUS

Anna Appa Choughule & Ors.

..... Respondents

Mr.M.Mahajan, i/b. Mr. Anilkumar Patil for the Applicants.

Mr.Shamsundar Solanke, i/b. Mr.Pratap Patil for Respondent nos. 3, 4B and 4D.

CORAM : R.D. DHANUKA, J.

DATE : 24th AUGUST, 2016

P.C.

By this civil application the applicants seek condonation of delay of 131 days in filing civil application and seeks restoration of the second appeal against the opponent no.4C and seeks recall of the order dated 14th January, 2016 passed by this court in Civil Application No.1900 of 2015.

2. Learned counsel appearing for the applicants state that though the applicants took steps to serve the respondent no.4C within the time prescribed by this court in order dated 14th January, 2016, the respondent no.4C could not be served within the time prescribed. He submits that the applicants are making their best efforts to find out the correct address of the respondent no.4C and would take necessary and appropriate steps within four weeks from today. The statement is accepted.

3. For the reasons recorded in the civil application and in view of the statement

made by the learned counsel for the applicants, order dated 14th January, 2016 insofar as it dismisses the said appeal against respondent no.4C for non compliance of the conditional order of service is recalled. The applicants are granted four weeks time to take steps to serve respondent no.4C.

4. Civil application is disposed of in terms of prayer clauses (a), (b) and (c). It is made clear that if the steps are not taken to serve respondent no.4C within four weeks from today, the second appeal to stand dismissed against respondent no.4C without further reference to court. No order as to costs.

[R.D. DHANUKA, J.]