

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 1830 OF 2014
IN
WRIT PETITION NO.3984 OF 2013**

Smruddhi Nagari Sahakari Pat
Sanstha Ltd., Sangli

... Applicant

Vs.

Sandeep alias Nayak Arjun Aarge & Ors.

... Respondents

Ms. Shruti Kandoi i/b. Mr. Umesh Mankapure, Advocate for the applicant.

Ms. P.N. Diwan, AGP for respondent nos. 5 and 6.

Mr. Milind Prabhune i/b. Mr. Anant Vadgaonkar, Advocate for respondent
no. 1.

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE: SEPTEMBER 16, 2016**

P.C.:

This Application is preferred by the petitioner for condonation of delay of 146 days in filing the Application of recalling the order dated 15th January, 2014 with a prayer to restore the Writ Petition against respondent no. 3 in its original position.

2. The learned counsel for the applicant submitted that there was some communication between the counsel and the applicant and therefore, respondent no. 3 was not served within 6 weeks from the date of order, i.e., 15th January, 2014, hence, the Petition was dismissed against respondent no. 3. Due to inadvertence, there is delay in filing this restoration application, which may be also condoned.

3. Heard the learned counsel for the petitioner. Hence, delay is condoned. The Application is allowed in terms of prayer clause 7(a) and (b).

4. Application is disposed of.

5. Last chance given to the learned counsel for the petitioner to serve respondent no. 3 within 6 weeks hereafter. If respondent no. 3 is not served, then the Petition shall stand dismissed against respondent no. 3. Place the petition on 15th November, 2016.

(MRS. MRIDULA BHATKAR, J.)