

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 948 OF 2016
IN
WRIT PETITION NO. 8019 OF 2015**

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. Abhay A. Anturkar i/b R.C.Barge, Advocate for Applicant.

Mr. S. C. Wakankar, Advocate for Respondent no.1.

CORAM: R.G.KETKAR, J.

DATE : 27/07/2016

PC:

1. Heard Mr. Abhay Anturkar, learned counsel for the applicant and Mr. S.C.Wakankar, learned counsel for respondent no.1.

2. By order dated 17.10.2015, notice was issued to legal representatives of respondent no.3(a) who died on 18.2.2013. Office remark shows that respondent no.3(a) died leaving behind respondents no.3(a)(i) to 3(a)(iii). Office remark shows that notice of respondent no.3 (a)(iii) is served. Respondents 3(a)

(i) and 3(a)(ii) refused to accept notice. Service on respondents no.3(a)(i) and 3(a)(ii) can be treated as valid service as they refused to accept service. Despite service, respondent no.3(a)(iii) has not appeared. No reply opposing the civil application is filed.

3. In view thereof and for the reasons stated in the Application. Civil Application is allowed in terms of prayer clauses (A),(B), and (C) with no order as to costs. Amendment in the main petition shall be carried out within one week from today.

(R.G.KETKAR,J.)