

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

**CIVIL APPLICATION NO.1640 OF 2016
IN
CIVIL APPLICATION NO.90 OF 2015
IN
SECOND APPEAL (ST.) NO.18573 OF 2014**

Mangala Sambhaji Patil .. Applicant
Vs.

Jagannath Vishwanath Patil (since deceased)
through his legal heirs

a. Sunanda Jagannath Patil & Ors. .. Respondents

Mr.Mayur D. Sapkale for Applicant.
None for Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 10th October 2016

P.C.

. Papers are allowed to be produced at 3.00 p.m.

2. By this civil application, the applicant seeks condonation of delay of 51 days in filing the civil application and for setting aside the order dated 10th August 2016 passed by the learned Registrar (Judicial-II) and seeks permission to serve the respondent nos.6(a) to 6(c) by substituted service by way of publication of notice.

3. Learned counsel appearing for the applicant states that inadvertently there was miscalculation by the applicant in the time granted by the learned Registrar (Judicial-II) for taking steps to serve the respondent nos.6(a) to 6(c). Resultantly, the Civil Application No.90 of

2015 stood abated in view of non-compliance of the conditional order passed by the learned Registrar (Judicial-II).

4. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clauses (a), (a1) and (b). The applicant is permitted to serve the respondent nos.6(a) to 6(c) within four weeks from today by substituted service by publication of notice in two local newspapers having wide circulation in Mumbai and shall file affidavit of service. No order as to costs.

R.D. DHANUKA, J.