

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

CIVIL APPLICATION NO.3018/2016
IN
WRIT PETITION NO.392/2013

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. Mahendra M. Agavekar i/b. Vijay Vaidya for the applicant
Mr. P. M. Patel for respondent Nos.8, 31, 39, 41, 52, 54, 59.

CORAM : K. K. TATED, J.
DATE : DECEMBER 13, 2016

P.C.:

1. Heard. This application is for setting aside the order dated 23.06.2016 passed by the learned Registrar (Judicial-I) by which the Writ Petition stood dismissed against some of the respondents for non compliance of the conditional order.

2. The learned counsel for the applicant submits that inadvertently it remained on their part to point out the order dated 23.06.2016 when the matter was on board before this court on 20.09.2016. He submits that this court, by order dated 20.09.2016 allowed the applicant to publish

a notice of final hearing of the Writ Petition on all the respondents at the stage of admission itself, in newspaper. He submits that in the interest of justice, this Hon'ble Court be pleased to set aside the order dated 23.06.2016 and restore the Writ Petition against those respondents. He submits that this Hon'ble Court be pleased to allow the applicant to publish a notice against unserved respondents for final hearing of the Writ Petition at the stage of admission as per order dated 20.09.2016.

4. Considering the submissions made by the learned counsel for the applicant and averments made in the Civil Application, I am satisfied that the applicant has made out a case for allowing the Civil Application.

5. Hence, following order is passed:

- a. Order dated 23.06.2016 passed by the learned Registrar (Judicial-I) is set aside.
- b. The Writ Petition stands restored against those respondents as stated in order dated 23.06.2016 for final hearing on its own merits.
- c. The applicant is directed to serve the unserved respondents by publication in two leading

newspapers as per order dated 20.09.2016,
returnable after 12 weeks.

d. Civil application stands disposed off
accordingly.

JUDGE