

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.F. NO.515/2015
IN
FIRST APPEAL NO.87/1993

Shri Raje Ajitsinghrao Fattesingrao Bhosale through L.Rs. and another
 ..Vs..

The Joint Charity Commissioner, Nagpur and others

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri H.R. Gadhia, Advocate for the appellants.
 Ms. S.Z. Haider, A.G.P. for respondent No.1.
 Ms. Bhuyar, Advocate h/f Shri S.R. Deshpande, Advocate for respondent
 No.2.
 Ms. Kukday, Advocate h/f Shri V.S. Kukday, Advocate for respondent
 Nos.7(A & B) and 8(A to D).
 Shri M.R. Johrapurkar, Advocate for respondent No.9.

CORAM : Z.A.HAQ, J.
DATED : 22.9.2016.

The office note shows that notice of this civil application was issued by order dated 25th February, 2015 and the appellants were directed to serve the proposed legal representatives by speed post acknowledgement due, in addition to the usual mode. The office note dated 10th June, 2015 / 12th June, 2015 states that the notices sent to the proposed legal representatives through Court are received back unserved with the report that the noticee were not present at the time of service. The notices were also issued by speed post acknowledgement due, however, neither the acknowledgements are received nor envelopes are received

back. In view of the office note dated 10th June, 2015 / 12th June, 2015 it is clear that the notices by speed post acknowledgement due were sent on correct address of the proposed legal representatives. In these facts, it has to be treated that the proposed legal representatives of respondent No.5A(1) are served.

The application is not opposed.

The appellants are permitted to implead the proposed legal representatives as respondent Nos.5A(1)I and 5A(1)II on record. The civil application is **allowed**.

FIRST APPEAL NO.87/1993

As the respondent Nos.5A(1)I and 5A(1)II are served with the notice of Civil Application (C.A.F.) No.515/2015 and they are having knowledge about the pendency of this appeal, fresh notice of appeal is not required to be served on them. The appeal has to be taken up for final hearing.

Shri H.R. Gadhia, learned Advocate for the appellants has requested that the matter be listed for hearing in October. However, as the appeal is of 1993, the request for listing the appeal in October is not considered specially considering the fact there are holidays on 11th and 12th October, 2016 and Diwali vacations from 28th October, 2016.

List the appeal for final hearing on 27th

September, 2016.

The appellants undertake to file fresh paper book
till 23rd September, 2016.

JUDGE

Tambaskar.

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.
Personal Assistant.

Uploaded On : 23.9.2016.